

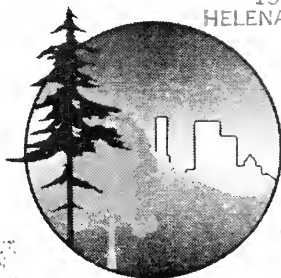
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# FINAL STATUS OF NATURAL RESOURCE LEGISLATION IN THE 55TH MONTANA LEGISLATURE

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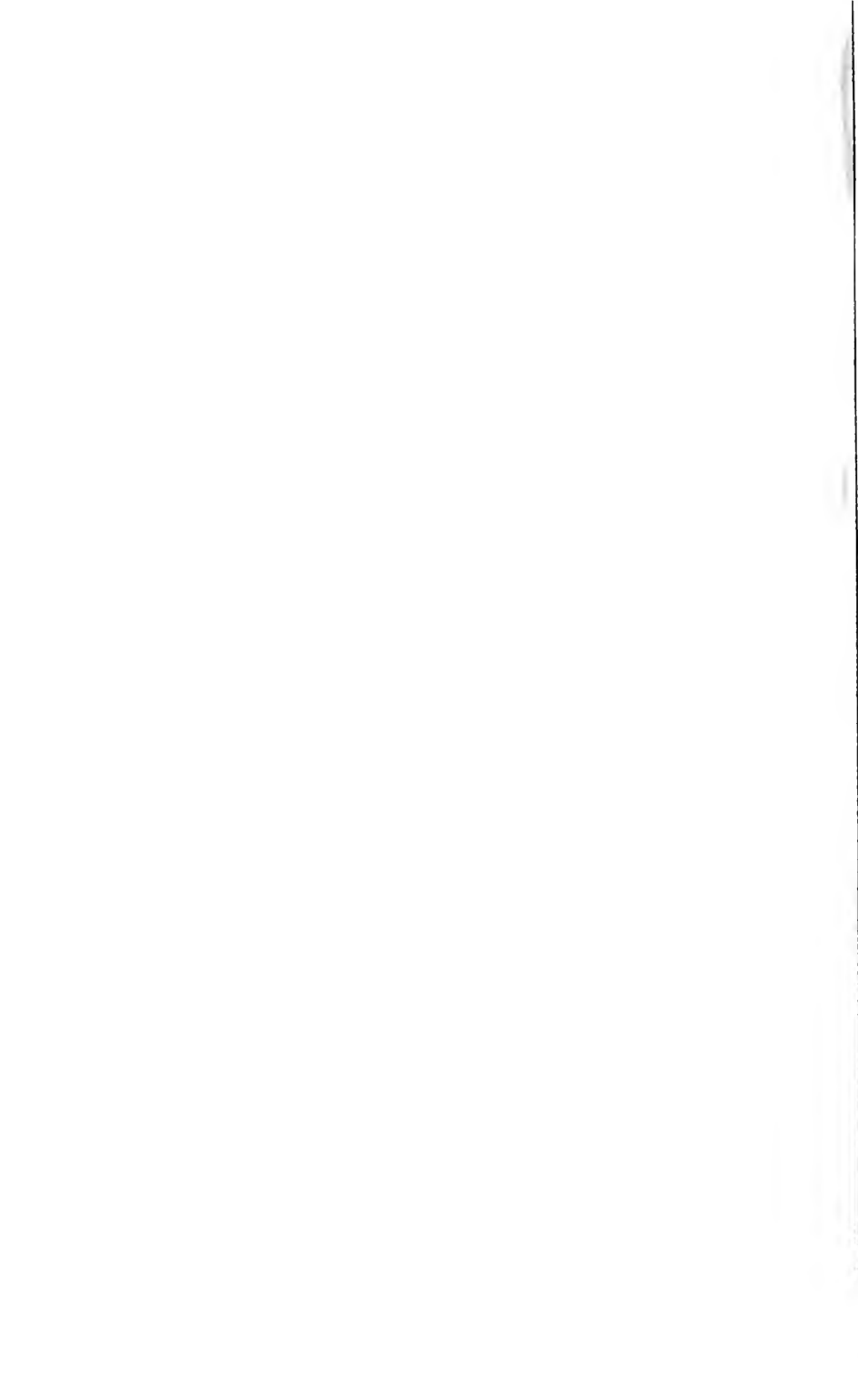
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## **Foreword**

During the 1997 Legislative Session, House and Senate members introduced 1088 bills: 3/5 of these were adopted and signed into law. Some of the major issues debated included funding for state corrections programs, property tax relief, and use of the coal tax for infrastructure projects. Although environmental and natural resource issues were less prominent than in previous sessions, legislators debated a variety of bills concerning air and water quality, electric utility restructuring, state land use, and the use of the Resource Indemnity Trust tax, among others. A selection of bills dealing with these issues is provided below.

### **Agriculture:**

**SJR 4** requests an interim study on the barriers to and opportunities of family farming and ranching.

### **Air:**

**HB 59** repeals the Hannah legislation that exempted the Billings area from conforming with state sulfur dioxide standards.

### **Fisheries:**

**HB 271** increases the penalty for intentional importation, introduction, or transplantation of fish from \$1,000 and 6 months imprisonment, to \$5,000 and 1 year imprisonment, and authorizes a court to substitute community service for imprisonment.

**HB 360** prohibits the intentional harassment of anglers and bird hunters.

### **Forestry and State Lands:**

**HB 81** revises requirements for oil and gas leasing, clarifies lease payments, audit time frames, lease termination and property disposition procedures, and repeals some bond release provisions.

**HB 156** allows a temporary 2- year, ½ % increase (\$80,898 per year) in distributable income from state lands to be deposited in the state lands resource development account to pay state filing costs of late water claims, inventory of hazardous materials on state lands, and moth balling of the Swan River Boot camp.

### **Growth Management:**

**HB 408** exempts a parcel of one acre or more that has an existing well and septic system from state subdivision review of development plans.

**SB 137** proposed to exempt certain divisions of land from local regulation of subdivisions if the owner permanently dedicated open space. Died in committee.

**SB 339** clarifies the review of certain parcel divisions by providing a definition of "immediate family," providing that a tract of record continues to be an individual parcel of land unless the owner intends to join it with other contiguous parcels by filing the merger with the county clerk and recorder, requiring a court to notify the governing body before ordering a division of land, and allowing a subdivider the option of providing security for the construction of public improvements or completing the construction of public improvements prior to approval of a final plat.

**MEPA:**

**HB 607** exempts the issuance of a historic right-of-way deed that meets the established criteria from the requirements of MEPA.

**Mining:**

**HB 154** requires underground coal mine permittees to compensate for certain property damage, requires an operating permit for all underground injection mining of uranium, clarifies prospecting permit requirements, and modifies revegetation requirements.

**HB 383** provides direction and discretion to the DEQ in their assessment of administrative penalties for violations of the hard-rock and opencut mining statutes.

**HB 395** specifies that legal actions to compel enforcement or seek an injunction related to violations of the hard-rock mining laws be brought in the district court of the county in which the violation occurred. Actions seeking civil penalties must be brought in the district court in Helena.

**HB 437** makes several changes to the statutes covering small miners and recreational miners, including who these statutes apply to, bond amounts, and soil salvage requirements.

**SB 223** clarifies that the Coal Board can provide technical and monetary assistance to local governments when coal production/consumption falls in addition to when coal mines are being developed. It also eliminates the Board's authority to issue loans.

**Natural Resource Taxation:**

**SB 377** annually allocates \$200,000 in RIT tax proceeds and 8.5% (approximately \$1,016,770 over the biennium) of the Metalliferous Mine Tax

proceeds to pay remediation costs for orphan shares of liability at state CECRA sites; and beginning on July 1, 1999 an additional annual allocation of \$200,000 in RIT interest proceeds is allocated to the orphan share account.

#### **Recreation/Parks/Open Space:**

**HB 151** expands the fish and wildlife crimestoppers board and program to include state parks-related crimes.

**HB 212** provides for and limits development on river and lake island parks on undisputed state-owned or state-leased island property in navigable rivers, streams, and lakes. Approximately 400 islands are state-owned.

**SB 42** allows the Department of Fish, Wildlife & Parks to convey parcels less than 10 acres in size, and worth less than \$20,000, to another government entity through direct sale, rather than competitive bid, if certain conditions are met.

#### **Remediation:**

**HB 110** appropriates \$2.5 million in funds for continuing the natural resource damage litigation with ARCO in the Clark Fork Basin.

**HB 284** would have established an environmental rehabilitation and prevention account within the DEQ using penalties and fines to pay for otherwise unfunded environmental site remediation or imminent damage prevention. Vetoes by Governor because of lack of an appropriation.

**HB 584** appropriates \$1,920,000 over the biennium to pay for the orphan share account established in SB 377.

**SB 377** establishes a system in addition to existing joint and severable liability whereby liability may be voluntarily allocated between all parties by a third party. Establishes state responsibility for reimbursing remediation costs of "orphan shares" of liability.

#### **Waste:**

**HB 152** separated and recodified the sections of law relating to the underground storage tank program and the sections of law related to the hazardous waste program.

**HB 214** authorized the sale of bonds to provide loans to the Petroleum Tank Release Compensation Board to cover reimbursements for remediation and 3rd party lawsuits and clarified the type of costs eligible for reimbursement.

**SB 332** requires financial assurance for new applications for waste tire management facilities, and requests that the EQC study waste tire management this biennium and report to the next Legislature.

**Water Quality and Quantity:**

**HB 285** eliminates the Bonneville Power Administration and Corps of Engineers representatives on the Flathead Basin Commission and adds a representative from each of 2 conservation districts.

**HB 546** further directs the Department of Environmental Quality to monitor and assess the quality of state waters to determine which may be impaired (not meeting water quality standards and/or designated uses) or threatened (projected to not meet standards/uses); to develop "Total Maximum Daily Loads" (TMDLs) for listed water bodies; and to conduct broad consultation on both the listing and development of TMDLs.

**SB 1** clarifies that the 1995 Legislature intended to refer to "nitrates" measured "as nitrogen" when revising the nonsignificance criteria for implementation of the state's water quality nondegradation policy.

**SB 59** extends the deadline for conclusion of Reserved Water Right Compact Commission negotiations from 1999 to 2005.

**SB 97** (the "Pope" bill) is intended to negate a Supreme Court decision (and a portion of another) that determined the state did not have the authority to issue water permits and change authorizations prior to completion of the adjudication of water rights on a source of supply (including reserved rights), and clarifies the difference between federal reserved rights and state water reservations.

**Wildlife:**

**HB 547** provides for the meat of game animals seized because they were taken or possessed in violation of the law to be donated to the Montana Food Bank Network or other public or charitable organizations and allows the Department of Livestock to capture, test, quarantine, vaccinate, and sell live wild buffalo or bison to qualified tribal entities.

**HJR 27** supports the Governor's position on federal bison management.

**SB 141** clarifies that charges for and punishment of fish and game related violations are authorized under the criminal code as well as the fish and game code.



**General Environmental Legislation:**

**HB 132** requires mandatory biennial reporting of certain natural resource and environmental compliance and enforcement information to the EQC.

**HB 293** provides financial immunity from penalties for violations of DEQ and Department of Agriculture environmental laws which are discovered, reported, and corrected through an internal environmental self-audit process.

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The Environmental Quality Council (EQC) prepared the *Final Status of Natural Resource Legislation in the 55th Montana Legislature* to provide a brief summary of natural resource legislation for legislators, lobbyists, and the public. The bills in the status are organized by subject, number, and status (passed or failed). Each bill entry includes the bill number, short title, committee hearings, and relevant votes. Several bills are included in more than one category.

For further information on these bills or others, we recommend consulting the Legislative Council's publication *Final History and Status*, which contains all legislative action taken on all bills. In addition, the EQC's *Montana Index of Environmental Permits*, published in late fall after each session, provides a comprehensive list of the permits and licenses needed to conduct activities that might effect Montana's environment.

The Montana Environmental Policy Act, enacted in 1971, charges the EQC with researching and reviewing state regulations and policies affecting Montana's environment and recommending measures to promote the general welfare of present and future generations of Montana. For more information on EQC publications and activities, contact the Environmental Quality Council, State Capitol Room 106, Helena, MT 59620, (406) 444-3742.



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# Agriculture and Livestock

**Passed \***

**SB 53 \* John Hertel**

*Montana Quarantine and Pest Management Act*

An Act authorizing the Department of Agriculture to establish rules governing quarantines to control injurious plant pests, plants capable of spreading plant pests, noxious weeds, and other exotic plants defined by the department as plant pests; authorizing the adoption of pest management standards and procedures regarding the introduction of these pests and biological control agents; providing for receipt and deposit of funds; and providing a penalty.

Amending sections 80-7-123 and 80-7-135, MCA; and repealing section 80-7-121, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 50-0; House 96-1

Third Reading Votes:

Senate 49-0; House 98-2

**SB 127 \* Mack Cole**

*Clarify Valuation of Agricultural Implements and Machinery*

An Act clarifying that the wholesale value of agricultural implements and machinery for property tax purposes is the average wholesale value; specifying the official guide to be used by the Department of Revenue in determining the average wholesale value of agricultural implements and machinery; requiring the department to use a comparable publication or wholesale value category in determining the wholesale value; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-8-111, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 46-0; House 96-3

Third Reading Votes:

Senate 48-2; House 98-1

**SB 183 \* Ken Mesaros**

*Regulate Brucellosis Vaccination by Administrative Rule*

An Act providing for the regulation of brucellosis vaccination through the Department of Livestock's present administrative rulemaking authority by suspending the present brucellosis vaccination statutes until October 1, 1999; and providing an immediate effective date.

Amending section 81-2-801, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 47-1; House 95-3

Third Reading Votes:

Senate 45-2; House 93-6

**SB 284 \* Mike Halligan**

*Option to Exclude Small Unserved Tracts from Certain Irrigation District Assessments*

An Act allowing individual owners of tracts of land 3 acres or smaller in size located within the boundaries of certain urbanized irrigation districts that are not being served by the irrigation district works to be eliminated from assessments over and above current indebtedness; and providing an effective date and a termination date.

Amending sections 85-7-411 and 85-7-1802, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 43-6; House 92-6

Third Reading Votes:

Senate 46-4; House 93-7

House amended, Senate concurred, 49-1.

**SB 326 \* Gerry Devlin**

*Establish the Montana Grass Conservation Advisory Committee*

An Act establishing the Montana Grass Conservation Advisory Committee; providing for support of the committee by the Department of Natural Resources and Conservation; and providing a termination date.

Amending sections 76-16-103, 76-16-104, and 76-16-105, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 49-1; House 80-19

Third Reading Votes:

Senate 46-4; House 71-28

**SJR 4 \* Greg Jergeson**

*Interim Study of Family Farming and Ranching: Barriers; Opportunities; Report*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that an appropriate interim committee study the challenges confronting and opportunities emerging for family farming and ranching in Montana; and requiring the committee to report its findings, conclusions and recommendations.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 41-7; House 70-29

Third Reading Votes:

Senate 39-9; House 72-28

## **HB 57 \* Roger Debruycker**

### *Merging the Alfalfa Seed and Alfalfa Leaf-Cutting Bee Committees and Duties*

An Act granting the Montana Alfalfa Seed Committee the authority to administer the Alfalfa Leaf-Cutting Bee Management Act and the Alfalfa Seed Industry Act; expanding the membership of the Montana Alfalfa Seed Committee; and eliminating the Alfalfa Leaf-Cutting Bee Committee.

Amending sections 2-15-3004 and 80-6-1102, MCA; repealing section 2-15-3005, MCA; and providing an effective date.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
Second Reading Votes:	House 98-0; Senate 50-0
Third Reading Votes:	House 99-0; Senate 49-0

## **HB 105 \* Joe Barnett**

### *Clarify Department of Agriculture Authority for Control of Seed Potato Diseases*

An Act clarifying the authority and responsibility of the Department of Agriculture for the control and prevention of the spread of contagious disease in seed potato stock; extending to all counties certain restrictions regarding the planting or propagation of noncertified seed potatoes; defining "commercial purpose"; and revising certification record compilation and publication requirements.

Amending sections 80-5-402, 80-5-403, 80-5-404, and 80-5-405, MCA.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
Second Reading Votes:	House 98-1; Senate 50-0
Third Reading Votes:	House 97-0; Senate 50-0



## **HB 278 \* Jay Stovall**

### *Allow County to Keep 100% of Fees Collected for County Licenses*

An Act allowing counties to retain 100 percent of the money received by the county for issuing county licenses; and revising the allocation of fee money for predator control.

Amending sections 7-21-2105, 81-7-111, 81-7-114, 81-7-118, 81-7-120, 81-7-121, and 81-7-122, MCA; and repealing section 81-7-119, MCA.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 81-15; Senate 41-0
Third Reading Votes:	House 89-10; Senate 48-0

## **HB 402 \* Don Holland**

### *Revise Conservation Loan Program*

An Act generally revising the Conservation Practice Loan Program laws; providing a retroactive applicability date; and providing an immediate effective date.

Amending sections 76-15-524, 76-15-542, 76-15-546, and 76-15-547, MCA.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
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Second Reading Votes:	House 98-1; Senate 47-0
Third Reading Votes:	House 100-0; Senate 49-0

## **HB 480 \* Duane Grimes**

### *Allow Income Tax Deduction for Inorganic Fertilizer Produced as Byproduct*

An Act allowing a deduction from adjusted gross income or from corporate gross income expenditures for inorganic fertilizer produced as a byproduct;

and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-30-121, 15-32-301, 15-32-302, and 15-32-303, MCA.

Committee Hearings:	House Taxation Senate Agriculture, Livestock and Irrigation
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Second Reading Votes:	House 88-8; Senate 42-8
Third Reading Votes:	House 81-17; Senate 42-8

### **HB 547 \* William Rehbein**

#### *Seized Game Animal Meat or Sale Proceeds to Food Bank Network*

An Act requiring that the proceeds, less costs, from the sale of game animal meat seized from a person found guilty of illegally killing a wild animal or game animal be statutorily appropriated to the Department of Public Health and Human Services for the purposes of awarding grants to the Montana Food Bank Network; requiring that meat from an illegally taken game animal seized by game wardens be either donated directly to the Montana Food Bank Network or public or charitable institutions or sold, with the proceeds, less costs, going to the Department of Public Health and Human Services; allowing the Department of Livestock to capture, test, quarantine, vaccinate, and sell live wild buffalo or bison to help defray costs incurred as part of the disease control program; allowing the Department of Livestock to transfer brucellosis-free wild buffalo or bison to qualified tribal entities under certain conditions; and providing that revenue generated in excess of funds needed for the wild buffalo or bison disease control program be statutorily appropriated to the Department of Public Health and Human Services for the purposes of awarding grants to the Montana Food Bank Network.

Amending sections 17-7-502, 81-2-120, 87-1-506, and 87-1-513, MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 93-4; Senate 50-0
Third Reading Votes:	House 93-7; Senate 49-1

Senate amended, House did not concur, 91-3.

Free conference committee report adopted by Senate 39-9; rejected by House 45-52.

Motion passed in House to reconsider previous action and place on 3rd reading.

Motion failed in House to take from 3rd reading and place on 2nd reading 46-53.

Free conference committee report adopted by House 58-41.

### **HB 555 \* Dick Simpkins**

#### *Extend Alcohol Production Tax Incentive*

An Act extending the 30 cents per gallon tax incentive for production of alcohol; and limiting to \$3 million the maximum amount payable to a producer.

Amending section 15-70-522, MCA.

Committee Hearings:

House Taxation  
Senate Taxation

Second Reading Votes:

House 88-12; Senate 45-4

Third Reading Votes:

House 88-12; Senate 43-7

### **HJR 27 \* Shiell Anderson**

#### *Resolution Supporting the Governor's Position on Bison Management*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting the Governor for his stance on federal bison management and urging him to remain firm in his demand that the President of the United States direct the United States Secretaries of Agriculture and the Interior to resolve their differences over bison management in a way that will not expose Montana citizens or the agricultural industry to harm.

Committee Hearings:

House Agriculture  
Senate Agriculture, Livestock  
and Irrigation

Second Reading Votes:  
Third Reading Votes:

House 95-4; Senate 43-5  
House 88-12; Senate 43-6

Senate amended, House concurred, 74-25.

## Failed

### **SB 43** Ric Holden

#### *Revise Fencing Statute and Law Against Animals Running at Large*

An Act requiring that occupants of adjoining land build and maintain partition fences in equal shares; providing that certain animals belonging to a landowner who adheres to the fencing requirements are not considered to be running at large; and providing an immediate effective date.

Amending sections 70-16-206 and 81-4-201, MCA.

Committee Hearings: Senate Agriculture, Livestock  
and Irrigation

Tabled in Senate committee.

### **SB 132** Ken Mesaros

#### *Require Landowner Permission to Enter Land and for All Hunting/Certain Fishing*

An Act requiring a person who desires to enter or remain upon land to obtain the explicit permission of the landowner or other authorized person, except for certain incidental purposes; eliminating the provision that permission to enter land is extended by failure to post notice denying entry; and providing that landowner permission is required for entry onto private property for all hunting and certain fishing.

Amending sections 45-6-201 and 87-3-304, MCA.

Committee Hearings: Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:  
Third Reading Vote:

Senate 31-19; House 49-51  
Senate 30-20

Motion failed in House to reconsider previous action (2nd reading vote), 44-54.

### **SB 217 Tom Keating**

#### *Allow Public Hunting of Wild Buffalo; Trophy Wild Buffalo License*

An Act establishing the Department of Fish, Wildlife, and Parks as the lead agency for management of wild buffalo or bison; allowing public hunting of wild buffalo or bison by creating a trophy wild buffalo license; designating wild buffalo or bison that pose no direct threat to health, safety, or property as game animals, as determined by the Departments of Livestock and Fish, Wildlife, and Parks; requiring orientation for participating license holders; setting terms and fees of the trophy wild buffalo license; requiring monitoring of health for animals taken pursuant to the trophy wild buffalo license; and requiring a report on wild buffalo or bison management progress to the 56th Legislature.

Amending sections 81-2-120 and 87-1-216.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation

Tabled in Senate committee.

### **SB 247 Ken Mesaros**

#### *Absolute Liability Offense of Damaging and Destroying Property During Recreational Use*

An Act creating an absolute liability offense for damaging or destroying property while using property for recreational purposes; requiring full restitution to the property owner; and allowing for a fine to be imposed.

Committee Hearings:

Senate Judiciary

Tabled in Senate committee.

**HB 269 Dick Knox**

*Revising State Agriculture/Grazing Leases: Deposit; Require Cash Rental; Cancellations*

An Act revising the method of determining the bid deposit for leasing state grazing and agricultural lands; revising the method of leasing state grazing and agricultural lands; requiring cash leasing; allowing for reinstatement of leases canceled for nonpayment; and providing an effective date and an applicability date.

Amending sections 77-6-203, 77-6-501, and 77-6-506, MCA.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
Second Reading Vote:	House 90-8
Third Reading Vote:	House 92-7

Tabled in Senate committee.

**HB 404 William Rehbein**

*FWP Wildlife Conservation Predator Control Program*

An Act dedicating \$1 from the sale of each Montana wildlife conservation license to be used for a program administered by the Department of Fish, Wildlife, and Parks for the conservation of wildlife through predator control; establishing the Predator Control Account; granting the Department of Fish, Wildlife, and Parks rulemaking authority to administer the Wildlife Conservation Predator Control Program; requiring that a notice be placed on each conservation license stating that a portion of the fee will be used to conserve wildlife through the control of predators; and providing an immediate effective date.

Amending section 87-2-202, MCA.

Committee Hearings:	House Fish, Wildlife and Parks
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Tabled in House committee.

## **HB 424 Rick Jore**

### *Repeal of Inheritance, Estate, and Generation-Skipping Taxes*

An Act repealing state inheritance, estate, and generation-skipping taxes; and providing an immediate effective date and a retroactive applicability date.

Amending sections 7-4-2613, 7-14-4654, 13-2-402, 15-1-205, 15-1-211, 15-1-406, 15-1-501, 15-1-503, 15-30-136, 60-11-1110, 72-1-103, 72-3-607, 72-3-618, 72-3-631, 72-3-807, and 72-3-1004, MCA; repealing sections 35-21-422, 72-3-1006, 72-4-304, 72-14-303, 72-16-101, 72-16-102, 72-16-201, 72-16-202, 72-16-203, 72-16-204, 72-16-205, 72-16-206, 72-16-207, 72-16-208, 72-16-209, 72-16-210, 72-16-211, 72-16-212, 72-16-213, 72-16-214, 72-16-215, 72-16-216, 72-16-217, 72-16-218, 72-16-301, 72-16-302, 72-16-303, 72-16-304, 72-16-305, 72-16-306, 72-16-307, 72-16-308, 72-16-311, 72-16-312, 72-16-313, 72-16-314, 72-16-315, 72-16-316, 72-16-317, 72-16-318, 72-16-319, 72-16-321, 72-16-322, 72-16-331, 72-16-332, 72-16-333, 72-16-334, 72-16-335, 72-16-336, 72-16-337, 72-16-338, 72-16-339, 72-16-340, 72-16-341, 72-16-342, 72-16-343, 72-16-344, 72-16-345, 72-16-346, 72-16-347, 72-16-348, 72-16-349, 72-16-401, 72-16-402, 72-16-403, 72-16-411, 72-16-412, 72-16-413, 72-16-414, 72-16-415, 72-16-416, 72-16-417, 72-16-418, 72-16-419, 72-16-420, 72-16-421, 72-16-422, 72-16-423, 72-16-424, 72-16-425, 72-16-431, 72-16-432, 72-16-433, 72-16-434, 72-16-435, 72-16-436, 72-16-437, 72-16-438, 72-16-439, 72-16-440, 72-16-441, 72-16-442, 72-16-443, 72-16-445, 72-16-446, 72-16-447, 72-16-448, 72-16-449, 72-16-450, 72-16-451, 72-16-452, 72-16-453, 72-16-454, 72-16-455, 72-16-456, 72-16-457, 72-16-458, 72-16-459, 72-16-460, 72-16-461, 72-16-462, 72-16-463, 72-16-464, 72-16-465, 72-16-471, 72-16-472, 72-16-473, 72-16-474, 72-16-475, 72-16-476, 72-16-477, 72-16-478, 72-16-479, 72-16-480, 72-16-481, 72-16-482, 72-16-491, 72-16-492, 72-16-493, 72-16-501, 72-16-502, 72-16-503, 72-16-504, 72-16-505, 72-16-601, 72-16-602, 72-16-603, 72-16-604, 72-16-605, 72-16-606, 72-16-607, 72-16-608, 72-16-609, 72-16-610, 72-16-611, 72-16-612, 72-16-701, 72-16-702, 72-16-703, 72-16-704, 72-16-705, 72-16-706, 72-16-801, 72-16-802, 72-16-803, 72-16-804, 72-16-805, 72-16-901, 72-16-902, 72-16-903, 72-16-904, 72-16-905, 72-16-906, 72-16-907, 72-16-908, 72-16-909, 72-16-910, 72-16-911, 72-16-912, 72-16-1001, 72-16-1002, 72-16-1003, 72-16-1004, 72-16-1005, 72-16-1006, and 72-16-1007, MCA.

Committee Hearings:

House Taxation

Tabled in House committee.

### **HB 562 John Cobb**

#### *Administrative Penalties for Conservation District Ordinance Violations*

An Act providing conservation districts with administrative penalty authority over a violation of district regulations; and providing an immediate effective date.

Committee Hearings: House Agriculture

Tabled in House committee.

### **HB 597 John Rose**

#### *Lowering Personal Property Tax on Livestock*

An Act lowering the personal property tax on livestock; and providing a contingent effective date.

Amending section 15-6-136, MCA.

Committee Hearings: House Taxation  
Senate Taxation

Second Reading Votes: House 96-4; Senate 48-1  
Third Reading Votes: House 93-7; Senate 39-11

Senate amended, House did not concur, 88-8.  
Died in process.

### **HR 2 Hal Harper**

#### *Urge Consensus Council to Coordinate Streamside Effort*

A resolution of the House of Representatives of the state of Montana urging property owners, developers, local, state, and federal government representatives, conservation districts, conservation and recreation groups, and affected citizens to work together to identify common goals regarding land development in streamside corridors and urging them to identify



strategies to reach these goals; and requesting that these efforts be coordinated by the Montana Consensus Council.

Committee Hearings:

House Agriculture

Tabled in House committee.

# Air Quality

## Passed \*

### HB 59 \* Royal Johnson

#### *Setting Uniform State Ambient Sulfur Dioxide Standards*

An Act setting uniform state ambient sulfur dioxide standards.

Repealing section 1, chapter 504, laws of 1987.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 99-0; Senate 50-0
Third Reading Votes:	House 98-0; Senate 50-0

## Failed

### SB 146 Al Bishop

#### *Setting Uniform State Ambient Sulfur Dioxide Standards*

An Act setting uniform state ambient sulfur dioxide standards.

Repealing section 1, chapter 504, laws of 1987.

Committee Hearings:	Senate Natural Resources
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Tabled in Senate committee.

### HB 54 John Bohlinger

#### *Setting Uniform State Ambient Sulfur Dioxide Standards*

An Act setting uniform state ambient sulfur dioxide standards and requiring the Department of Environmental Quality to develop emission control plans.

Repealing section 1, chapter 504, laws of 1987.

Committee Hearings:

House Natural Resources

Tabled in House committee.

# Energy

## - Major Facility Siting -

**Passed \***

**SB 224 \* Mack Cole**

*Generally Revise the Montana Major Facility Siting Act*

An Act generally revising the Montana Major Facility Siting Act; and providing an effective date and an applicability provision.

Amending sections 75-20-102, 75-20-104, 75-20-201, 75-20-207, 75-20-208, 75-20-211, 75-20-213, 75-20-215, 75-20-216, 75-20-225, 75-20-226, 75-20-301, 75-20-302, 75-20-303, 75-20-304, 75-20-402, 75-20-403, 75-20-406, 75-20-1202, and 75-20-1205, MCA; repealing sections 75-20-202, 75-20-205, 75-20-218, 75-20-220, 75-20-221, 75-20-222, 75-20-227, 75-20-501, and 75-20-503, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 29-18; House 61-39

Third Reading Votes:

Senate 32-18; House 60-39

**Failed**

**HB 494 Jon Ellingson**

*Revise the Major Facility Siting Act*

An Act revising the definition of "facility" under the Montana Major Facility Siting Act; and providing an effective date.

Amending section 75-20-104, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee.

## **- Renewable Energy and Conservation -**

**Passed \***

**HB 555 \* Dick Simpkins**

*Extend Alcohol Production Tax Incentive*

An Act extending the 30 cents per gallon tax incentive for production of alcohol; and limiting to \$3 million the maximum amount payable to a producer.

Amending section 15-70-522, MCA.

Committee Hearings:

House Taxation  
Senate Taxation

Second Reading Votes:

House 88-12; Senate 45-4

Third Reading Votes:

House 88-12; Senate 43-7

## **- Utility Restructuring -**

**Passed \***

**SB 390 \* Fred Thomas**

*Electric Utility Restructuring*

An Act generally establishing restructuring requirements for Montana's electric utility industry; providing customer choice; generally revising the territorial integrity laws; removing certain rural electric cooperative properties from class seven property; including certain rural electric cooperative properties in class nine property; appropriating funds for the activities of the Transition Advisory Committee on electric utility industry restructuring; and providing an immediate effective date.

Amending sections 15-6-137, 15-6-141, 69-5-101, 69-5-102, 69-5-104, 69-5-105, 69-5-106, 69-5-107, 69-5-108, 69-5-109, 69-5-110, and 69-5-111, MCA; repealing section 69-5-103, MCA.

Committee Hearings:

Senate Taxation  
House Appropriations

Second Reading Votes:

Senate 37-13; House 78-21

Third Reading Votes:

Senate 36-14; House 78-21

House amended, Senate concurred, 35-15.

### **SB 396 \* Mike Foster**

#### *Natural Gas Restructuring*

An Act allowing natural gas utilities to provide for customer choice; allowing natural gas utilities to use transition bond financing for transition costs; allowing for functional separation and consumer protection; requiring the Public Service Commission to license natural gas suppliers; establishing reciprocity for all natural gas suppliers; providing for optional performance-based ratemaking; requiring the Revenue Oversight Committee to conduct a tax revenue analysis and report to the 56th Legislature; providing for universal system benefits programs; and providing an immediate effective date and a retroactive applicability date.

Committee Hearings:

Senate Taxation  
House Business and Labor

Second Reading Votes:

Senate 50-0; House 93-6

Third Reading Votes:

Senate 50-0; House 88-10

House amended, Senate concurred, 46-3.

### **Failed**

### **SB 189 Reiny Jabs**

#### *Revise the Territorial Integrity Act*

An Act generally revising the territorial integrity laws for electrical suppliers.

Amending sections 69-5-101, 69-5-102, 69-5-103, 69-5-104, 69-5-105, 69-5-107, 69-5-108, 69-5-110, and 69-5-111, MCA; and repealing sections 69-5-106 and 69-5-109, MCA.

Committee Hearings:

Senate Taxation

Missed transmittal deadline.  
Died in committee.

### **HB 549 Ernest Bergsagel**

#### *Creating an Electric Utility Industry Restructuring Committee*

An Act requiring a comprehensive review of electrical utility industry restructuring; establishing an Electrical Utility Industry Restructuring Steering Committee; describing the duties of the restructuring steering committee; requiring the restructuring steering committee to report its findings, conclusions, recommendations, and proposed legislation to the governor and the 56th Legislature; prohibiting the Public Service Commission from authorizing electrical utility industry restructuring as it pertains to retail electrical service prior to July 1, 1999; appropriating funds for the activities of the Restructuring Steering Committee; and providing effective dates and a termination date.

Committee Hearings:

House Appropriations

Tabled in House committee.

### **HB 614 Carley Tuss**

#### *Electric Industry Transition to Customer Choice*

An Act providing a date certain for transition to customer choice of an electricity supplier; providing the Public Service Commission with general rulemaking authority for the transition to customer choice; providing a cooperative utility exemption; requiring licensing of electricity suppliers; providing the commission with rulemaking authority for electricity supplier licensing; and providing an immediate effective date.

Committee Hearings:

House Appropriations

Tabled in House committee.

## - Energy / Other -

**Passed \***

**HB 320 \* Shiell Anderson**

*Utility Relocation Reimbursement*

An Act clarifying the costs for which the Department of Transportation is responsible when highway construction requires utility relocation; eliminating the requirement that the department hold a public hearing to determine the necessity of facility relocation; allowing the department to adopt rules reflecting the changes in the department's reimbursement responsibilities; and providing an immediate effective date.

Amending sections 60-4-401, 60-4-402, and 60-4-403, MCA.

Committee Hearings:	House Transportation Senate Highways and Transportation
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Second Reading Votes:	House 97-2; Senate 49-0
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Third Reading Votes:	House 98-2; Senate 47-0
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Senate amended, House concurred, 96-0.

**Failed**

**HB 462 Jay Stovall**

*Repeal Montana Retail Motor Fuel Marketing Act*

An act eliminating the prohibition on the below-cost sale of motor fuel.

Repealing sections 30-14-801, 30-14-802, 30-14-803, 30-14-804, 30-14-805, and 30-14-806, MCA.

Committee Hearing:	House Transportation
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Tabled in House committee.

Motion passed to take from committee and place on 2nd reading, 62-34.



Second Reading Votes:

House 56-43

Third Reading Votes:

House 57-43

Committee Hearing:

Senate Highways and  
Transportation

Tabled in Senate committee.

Motion failed to take from committee and place on 2nd reading, 24-26.

Motion again failed to take from committee and place on 2nd reading, 24-25.

Died in Senate committee.

# Environmental Quality

## - Administration -

Passed \*

**SB 14 \* Charles Swysgood**

*Transferring Certain Responsibilities from DEQ to DPHHS*

An Act generally amending laws pertaining to the Departments of Public Health and Human Services and Environmental Quality by transferring certain responsibilities related to laboratory licensing, radioactive substances, vector-borne illness, and pesticide registration from the Department of Environmental Quality to the Department of Public Health and Human Services; clarifying that the state laboratory is located within the Department of Public Health and Human Services; allowing the department to set fees when necessary instead of annually; and providing an effective date.

Amending sections 7-22-2403, 7-22-2409, 7-22-2418, 40-1-206, 50-1-202, 75-3-103, 75-3-502, 75-6-103, 75-6-106, 75-6-109, and 80-8-201, MCA.

Committee Hearings:

Senate Public Health,  
Welfare and Safety  
House Human Services

Second Reading Votes:

Senate 48-0; House 90-10

Third Reading Votes:

Senate 41-0; House 90-9

**SB 72 \* Ken Mesaros**

*Formalize Water Information System as Part of NRIS*

An Act formalizing the operation of the Water Information System within the Natural Resource Information System at the State Library.

Amending sections 85-2-105, 85-2-112, and 90-15-303, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 50-0; House 96-2
Third Reading Votes:	Senate 49-0; House 100-0

**SB 197 \* Lorents Grosfield**

*Clarify and Tighten Standards in the Administrative Procedures Act*

An Act clarifying the Montana Administrative Procedure Act; and providing more specific standards for determining when authority exists to adopt a rule and for stating the reasonable necessity for rules.

Amending sections 2-4-302 and 2-4-305, MCA.

Committee Hearings:	Senate State Administration House Judiciary
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Second Reading Votes:	Senate 47-0; House 96-1
Third Reading Votes:	Senate 45-0; House 100-0

**SB 271 \* Loren Jenkins**

*Delayed Effective Date for Rule Objected to by Administrative Code Committee*

An Act providing that an administrative rule objected to by a majority of the members of the Administrative Code Committee may not be adopted until the end of the 6-month period during which the rule must be adopted, unless prior to that time, the committee meets and does not make the same objection; providing that an administrative rule objected to by the Administrative Code Committee before the rule is adopted is in some circumstances not effective until after adjournment of the next regular session of the legislature; and providing an applicability date.

Amending sections 2-4-305 and 2-4-306, MCA.

Committee Hearings:	Senate State Administration House State Administration
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Second Reading Votes:

Senate 39-10; House 72-28

Third Reading Votes:

Senate 40-10; House 76-24

Governor vetoed.

Veto overridden: Senate 34-16, House 70-29.

### **SB 308 \* Tom Beck**

#### *Enact Government Accountability Act*

An Act requiring state and local government entities to provide upon request a written statement of the legal authority upon which certain action is based; providing definitions and exceptions; and providing an immediate effective date and an applicability date.

Committee Hearings:

Senate Local Government  
House Judiciary

Second Reading Votes:

Senate 39-11; House 59-39

Third Reading Votes:

Senate 38-12; House 63-37

House amended, Senate concurred, 42-8.

Governor amended: Senate concurred 44-5, House concurred 80-17.

### **HB 6 \* Ernest Bergsagel**

#### *Renewable Resource Grants*

An Act appropriating money to the Department of Natural Resources and Conservation for grants under the Renewable Resource Grant and Loan Program, and providing effective dates.

Amending section 1, chapter 613, Laws of 1993, and section 1, chapter 512, Laws of 1995.

Committee Hearings:

House Appropriations  
Senate Finance and Claims

Second Reading Votes:

House 95-5; Senate 50-0

Third Reading Votes:

House 93-6; Senate 44-0

Senate amended, House concurred, 90-10.

**HB 7 \* Ernest Bergsagel**

*Reclamation and Development Grants*

An Act appropriating money to the Department of Natural Resources and Conservation for grants for designated projects under the Reclamation and Development Grants Program; prioritizing grants and amounts; establishing conditions for grants; and providing an effective date.

Amending section 2, chapter 454, laws of 1995.

Committee Hearings:	House Appropriations Senate Finance and Claims
Second Reading Votes:	House 95-4; Senate 49-1
Third Reading Votes:	House 96-4; Senate 49-1

**HB 8 \* Ernest Bergsagel**

*Renewable Resource Loans and Bonds*

An Act approving renewable resource projects and authorizing loans; reauthorizing renewable resource projects authorized by the 54th Legislature; appropriating money to the Department of Natural Resources and Conservation for loans under the Renewable Resource Grant and Loan Program; authorizing the issuance of coal severance tax bonds; authorizing the creation of a state debt and appropriating coal severance taxes; placing certain conditions upon loans; and providing an immediate effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
Second Reading Votes:	House 94-6; Senate 50-0
Third Reading Votes:	House 94-4; Senate 44-0

**HB 10 \* Joe Quilici**

*Oil Overcharge Appropriation*

An Act appropriating oil overcharge money for programs administered by the state of Montana; and providing an effective date.

Committee Hearings:

House Appropriations  
Senate Finance and Claims

Second Reading Votes:

House 81-17; Senate 48-0

Third Reading Votes:

House 83-15; Senate 50-0

Senate amended, House concurred, 85-12.

### **HB 11 \* Thomas Zook**

#### *Treasure State Endowment Appropriation*

An Act appropriating money to the Department of Commerce for financial assistance to local government infrastructure projects under the Treasure State Endowment Program; authorizing grants from the Treasure State Endowment Special Revenue Account; placing conditions upon grants; authorizing Treasure State Endowment Program loans to be administered by the Department of Natural Resources and Conservation; and providing effective dates.

Committee Hearings:

House Appropriations  
Senate Finance and Claims

Second Reading Votes:

House 90-8; Senate 50-0

Third Reading Votes:

House 94-5; Senate 44-0

### **HB 12 \* Joe Quilici**

#### *Energy Conservation Bonds Appropriation*

An Act authorizing the issuance of general obligation bonds to fund the State Building Energy Conservation Program; approving energy conservation projects for fiscal years 1998 and 1999; appropriating bond proceeds to the Department of Environmental Quality; pledging the credit of the state of Montana to secure the bonds to be issued; reappropriating stripper-well payments contained in the federal special revenue fund; and providing an effective date.

Committee Hearings:

House Appropriations  
Senate Finance and Claims

Second Reading Votes:  
Third Reading Votes:

House 97-3; Senate 48-0  
House 96-4; Senate 50-0

**HB 31 \* George Heavy Runner**

*Extend Renewable Resource Grant Program Eligibility to Tribal Governments*

An Act allowing a federally recognized tribal government to participate in the Renewable Resource Grant and Loan Program; defining "tribal government"; providing additional grant and loan conditions; and providing an effective date.

Amending sections 85-1-102, 85-1-601, 85-1-602, 85-1-605, 85-1-611, and 85-1-613, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:  
Third Reading Votes:

House 58-41; Senate 28-21  
House 75-24; Senate 33-17

Senate amended, House concurred, 74-22.

**HB 42 \* John Cobb**

*Establish Requirements for an Agency Presented with a Petition for Rulemaking*

An Act requiring an agency presented with a petition for rulemaking to issue its decision in writing, based on the record; requiring the agency to include the reasons for the decision in the written decision; and providing that an agency is not required to hold a hearing on a petition for rulemaking.

Amending section 2-4-315, MCA.

Committee Hearings:

House Judiciary  
Senate State Administration

Second Reading Votes:  
Third Reading Votes:

House 97-0; Senate 50-0  
House 99-1; Senate 50-0

## **HB 71 \* Doug Mood**

### *Increase Emergency Loan Cap from the Renewable Resource Grant and Loan Program*

An Act increasing the emergency loan cap from the Renewable Resource Grant and Loan Program from \$1 million to \$10 million; and providing an immediate effective date.

Amending section 85-1-605, MCA.

Committee Hearings:	House State Administration Senate Natural Resources
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Second Reading Votes:	House 90-10; Senate 48-0
Third Reading Votes:	House 90-6; Senate 50-0

## **HB 73 \* Doug Mood**

### *Transfer Rulemaking Authority*

An Act transferring rulemaking authority from the state Board of Land Commissioners to the Department of Natural Resources and Conservation to ensure that rulemaking authority for fire protection, protection of forest resources, fire protection services, and control of timber and debris is consistent with rulemaking authority in the department's other forestry programs; clarifying the responsibilities of the department concerning the protection of forest resources, the provisions for fire protection services, and the control of timber slash and debris; and providing an immediate effective date.

Amending sections 76-11-101, 76-13-102, 76-13-103, 76-13-109, 76-13-112, 76-13-201, 76-13-204, 76-13-205, 76-13-403, 76-13-408, and 76-13-414, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 97-1; Senate 50-0
Third Reading Votes:	House 97-1; Senate 49-1



**HB 110 \* Emily Swanson**

*Appropriate Money for Natural Resource Damage Litigation in the Clark Fork Basin*

An Act appropriating money to the Department of Justice for technical, legal, and administrative activities for the State of Montana natural resource damage litigation in the Clark Fork River Basin, extending repayment and providing for interest on previous loans; requiring a contract between the department and the state treasurer in order to effectuate the appropriation; transferring the fund balance in certain federal special revenue accounts to the state special revenue fund; and providing an immediate effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
Second Reading Votes:	House 78-22; Senate 38-8
Third Reading Votes:	House 71-28; Senate 45-4

**HB 132 \* Dick Knox**

*Requirements for Compliance and Enforcement Reporting*

An Act requiring the Departments of Environmental Quality, Agriculture, and Natural Resources and Conservation to report specific compliance and enforcement information to the Environmental Quality Council; and providing an effective date.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 96-3; Senate 50-0
Third Reading Votes:	House 97-2; Senate 48-2

**HB 156 \* Ed Grady**

*Two-Year Increase in the Amount Allowed for Resource Development on School Lands*

An Act providing for a 2-year increase in the amount allowed to fund resource development on school lands; providing an effective date; and providing a termination date.

Amending section 77-1-607, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Vote:	House 55-43
Third Reading Vote:	House 56-43

Tabled in Senate committee.  
Passed out of committee.

Second Reading Vote:	Senate 50-0
Third Reading Vote:	Senate 50-0

### **HB 171 \* Bob Raney**

#### *Alleviate Environmental Grant Cash Flow Problems*

An Act generally revising and clarifying the allocation of resource indemnity and Ground Water Assessment Taxes; revising the time for allocating certain portions of the Resource Indemnity Trust Fund earnings; and providing an effective date.

Amending sections 15-38-201, 15-38-202, 15-38-203, 75-1-1101, 85-1-604, 85-2-905, and 90-2-1104, MCA.

Committee Hearings:	House Taxation Senate Taxation Senate Finance and Claims
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Second Reading Votes:	House 92-4; Senate 50-0
Third Reading Votes:	House 92-7; Senate 50-0

### **HB 199 \* Dick Knox**

#### *Notify Bill Sponsor of Rule Proposal to Implement Bill*

An Act requiring notice to the sponsor of a bill that becomes law that initial rulemaking implementing the bill has begun; and providing an immediate effective date.

Amending section 2-4-302, MCA.

Committee Hearings:	House Judiciary Senate State Administration
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Second Reading Votes:	House 99-0; Senate 50-0
Third Reading Votes:	House 96-1; Senate 50-0

Senate amended, House concurred, 97-0.

**HB 214 \* Ed Grady**

*Revise Petroleum Tank Release Compensation Law*

An Act revising the funding and cost reimbursement provisions of the Petroleum Tank Release Compensation laws; clarifying and imposing limitations on cost reimbursement; authorizing loans by the Board of Investments to the Petroleum Tank Release Compensation Board; pledging the petroleum storage tank cleanup fees for loan repayment; and providing an effective date.

Amending sections 75-11-307, 75-11-313, and 75-11-318, MCA.

Committee Hearings:	House Natural Resources Senate Business and Industry
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Second Reading Votes:	House 61-39; Senate 29-21
Third Reading Votes:	House 60-40; Senate 36-14

**HB 240 \* Charles DeVaney**

*Limit Fees Charged by State Agencies and Local Government Entities*

An Act prohibiting state agencies and local government entities that set and collect charges for services from maintaining a fund receiving the charges a cash balance that is greater than necessary to finance the services of the agency or entity for more than 2 years; requiring reduction of charges for services in certain instances; providing definitions and exceptions; requiring reports; and providing a delayed effective date and a retroactive applicability date.

Committee Hearings:	House Business and Labor Senate Local Government
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House do pass motion failed, 47-52.  
Reconsidered previous action (failed 2nd reading vote), 65-33.  
Referred back to House Business and Labor committee.  
Passed from committee.

Second Reading Votes:	House 60-37; Senate 50-0
Third Reading Votes:	House 63-37; Senate 49-0

**HB 285 \* Paul Sliter**

*Revise Membership of the Flathead Basin Commission*

An Act revising the membership of the Flathead Basin Commission; and adding to the commission one member appointed by the Flathead County Conservation District Board of Supervisors and one member appointed by the Lake County Conservation District Board of Supervisors to replace other members.

Amending section 2-15-213, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 73-27; Senate 48-1
Third Reading Votes:	House 72-28; Senate 39-11

Senate amended, House did not concur, 91-5.  
Free conference committee report adopted: House 72-28, Senate 33-17.

**HB 288 \* Karl Ohs**

*Revise Liability for Voluntary Donated Remediation*

An Act clarifying the liability provisions for persons who make voluntary contributions to a specific remediation account; and providing an immediate effective date and a retroactive applicability date.

Amending section 75-10-704, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:  
Third Reading Votes:

House 99-1; Senate 50-0  
House 97-2; Senate 50-0

**HB 293 \* Scott Orr**

*Providing for Voluntary Environmental Audits*

An Act providing for certain voluntary environmental audits.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:  
Third Reading Votes:

House 66-33; Senate 30-20  
House 65-34; Senate 29-21

Senate amended, House concurred, 58-41.

**HB 376 \* Joe Tropila**

*Public Hearings to be Held in Accessible Facility in Impacted Area*

An Act increasing public input into state agency decisions by requiring a public hearing held for an action that directly impacts a specific community or area to be held in an accessible facility in the impacted community or area; and excepting the Board of Regents.

Amending sections 2-3-111, 16-4-202, and 75-10-924, MCA.

Committee Hearings:

House State Administration  
Senate State Administration

Second Reading Votes:  
Third Reading Votes:

House 94-5; Senate 48-1  
House 94-5; Senate 41-6

Senate amended, House concurred, 91-5.

## **HB 389 \* Bruce Simon**

### *Provide for Greater Public Participation in Agency Rulemaking*

An Act providing for greater public participation in agency rulemaking; amending provisions for notice of agency rules; defining terms; strengthening the requirements for an emergency rule; and prohibiting the use of an adoption notice to cure deficiencies in statements of reasonable necessity.

Amending sections 2-4-102, 2-4-302, 2-4-303, 2-4-305, and 2-4-306, MCA.

Committee Hearings:	House Judiciary Senate State Administration
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Tabled in House committee.

Taken from table and placed on second reading.

Second Reading Votes:	House 69-17; Senate 49-0
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Third Reading Votes:	House 71-28; Senate 49-1
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Senate amended, House did not concur, 94-4.

Conference committee appointed and dissolved.

Free conference committee report adopted: House 92-4, Senate 45-2.

## **HB 529 \* Matt Denny**

### *Revising Laws Implemented by DEQ*

An Act generally revising the laws that the Department of Environmental Quality administers; and providing an immediate effective date.

Amending sections 75-2-211, 75-20-204, 82-4-205, 82-4-361, and 82-4-441, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 100-0; Senate 47-0
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Third Reading Votes:	House 99-1; Senate 50-0
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## **HJR 14 \* Aubyn Curtiss**

### *Monitor/Study Federal Mandates: Report to the 56th Legislature*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that an appropriate interim committee monitor and study federal mandates; and requiring a report of the committee's findings and conclusions to the 56th Legislature.

Committee Hearings:	House State/Federal Relations Senate State Administration
Second Reading Votes:	House 64-36; Senate 35-15
Third Reading Votes:	House 66-34; Senate 36-14

## **Failed**

## **SB 88 Tom Beck**

### *Transfer Loan Authority for Treasure State Endowment Program to the Governor*

An Act establishing an annual funding cycle for the Treasure State Endowment Program; transferring project approval authority from the Legislature to the Governor; revising the criteria and priorities for awarding funding; and providing a delayed effective date and a contingent voidness provision.

Amending section 90-6-710, MCA.

Committee Hearings:	Senate State Administration House Business and Labor
Second Reading Votes:	Senate 37-12; House 20-79
Third Reading Votes:	Senate 37-11

## **SB 153 Larry Baer**

### *Constitutional Amendment - Right of State to Reject Federal Mandates*

An Act submitting to the qualified electors of Montana an amendment to article II, section 2, of the Montana Constitution to assert Montana's right to reject federal mandates, orders, directions, or commands derived from powers not granted by the United States Constitution.

Committee Hearings:	Senate State Administration House State/Federal Relations
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Second Reading Votes:	Senate 33-16; House 60-40
Third Reading Votes:	Senate 35-15; House 61-38

Combined third reading vote did not meet the 2/3 requirement for a constitutional amendment.  
Motion failed to suspend the rules to reconsider, 58-35.

## **SB 220 Charles Swysgood**

### *Create the Montana Consensus Council in Statute*

An Act providing for the Montana Consensus Council; providing for a board of directors of the Montana Consensus Council; providing legislative findings and purpose; providing the powers and duties of the Montana Consensus Council; providing an exception from the state pay plan; and providing an effective date and a termination date.

Amending section 2-18-103, MCA.

Committee Hearings:	Senate State Administration House State Administration
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Second Reading Votes:	Senate 32-13; House 49-48
Third Reading Votes:	Senate 35-15; House 49-50



**SB 320 Vivian Brooke**

*Establishing the Montana Government Accountability Act*

An Act establishing the Montana Government Accountability Act; prohibiting a person from taking a prohibited personnel action against a state employee for making protected disclosures or refusing to follow an illegal order; providing enforcement remedies for a violation of the act; providing disciplinary measures for violations of the act; and providing an immediate effective date.

Committee Hearings:	Senate State Administration House Judiciary
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Second Reading Vote:	Senate 30-20
Third Reading Vote:	Senate 32-18

Tabled in House committee.

**SB 334 Lorents Grosfield**

*Implement Article IX, Section 1 of the Montana Constitution*

An Act implementing Article IX, section 1, of the Montana Constitution by providing for the maintenance and improvement of a clean and healthful environment in the administration and enforcement of Montana's laws providing adequate remedies for the protection of the environmental life support system from degradation and preventing unreasonable depletion or degradation of natural resources; providing balancing criteria for an agency to determine mitigation of significant impacts; and providing an immediate effective date.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Vote:	Senate 29-21
Third Reading Vote:	Senate 29-21

Tabled in House committee.

### **SB 346 Bea McCarthy**

#### *Establish Natural Resource Damage Board to Allocate Funds*

An Act establishing the Upper Clark Fork River Basin Natural Resource Damage Board; establishing an Upper Clark Fork River Basin Natural Resource Damage Board account; providing for the Upper Clark Fork River Basin Natural Resource Damage Board to allocate funds from the Upper Clark Fork River Basin natural resource damage lawsuit; and providing a contingent effective date.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee.

### **SJR 11 Steve Doherty**

#### *Urge U.S. Constitutional Amendment for a Clean and Healthful Environment*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting the United States Congress to submit to the several states an amendment to the United States Constitution providing that natural resources are the heritage of present and future generations and that each person's right to a clean and healthful environment not be infringed.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee.

### **HB 41 John Cobb**

#### *Increase Awareness of Proposed Administrative Rules: Contents, Costs, etc.*

An Act providing mechanisms to increase the awareness of the contents, costs, and effects of, and possible problems with, administrative rules; and providing an effective date.

Amending sections 2-4-302, 2-4-314, 2-4-405, and 5-18-107, MCA.

Committee Hearings:	House Judiciary Senate State Administration
Second Reading Votes:	House 98-1; 15-32
Third Reading Votes:	House 99-0

### **HB 249 Karl Ohs**

*Constitutional Amendment to Use \$15 a Year of the Coal Tax for Infrastructure/Today and Tomorrow Program*

An Act submitting to the qualified electors of Montana an amendment to Article IX, section 5, of the Montana Constitution allowing the legislature to use \$15 million for infrastructure projects, historic preservation projects, research and development, school construction, and technology acquisition for schools each year from January 1, 1999, through January 1, 2018, of money that would be deposited in the Coal Severance Tax Trust Fund; and providing an effective date and a termination date.

Committee Hearings:	House Business and Labor
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Tabled in House committee.

Taken from committee and placed on 2nd reading, 62-29.

Second Reading Vote:	House 67-33
Third Reading Vote:	House 61-39

Motion passed in House to reconsider previous action (failed 3rd reading vote) 60-37.

Third Reading Vote:	House 64-35
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Died in process.

### **HB 284 Karl Ohs**

*Certain Penalties to Create a Remediation Account*

An Act establishing in the State Special Revenue Fund an Environmental Rehabilitation and Prevention Account; dedicating certain fines and penalties to the account; dedicating certain unclaimed or excess reclamation bond funds to the account or to mining and reclamation accounts; providing

that funds be appropriated to the Department of Environmental Quality for certain purposes; and providing an effective date and a termination date.

Amending sections 70-9-301, 75-2-412, 75-2-413, 75-2-427, 75-3-407, 75-5-634, 75-6-109, 75-6-114, 75-10-417, 75-10-418, 75-10-423, 75-10-424, 75-10-542, 82-4-141, 82-4-241, 82-4-311, 82-4-424, and 82-4-426, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 84-14; Senate 49-0
Third Reading Votes:	House 86-13; Senate 46-4

Senate amended, House concurred, 83-13.  
Governor vetoed.  
Veto override failed: House 57-43, Senate 17-31.

**HB 295 Bob Raney**

*Revise Allocation of Bed Tax for Tourism Promotion and Infrastructure*

An Act revising the allocation and use of the lodging facility use tax; limiting the amount of tax used for certain purposes; authorizing the use of tax proceeds for historic preservation, tourism infrastructure, and land stewardship easements; creating a panel to review project applications and make recommendations to the Department of Commerce for funding projects; and providing an effective date.

Amending section 15-65-121, MCA.

Committee Hearings:	House Taxation
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Tabled in House committee.

**HB 351 Sylvia Bookout-Reineke**

*Change Sanitarian to Environmental Health Specialist*

An Act substituting the term "environmental health specialist" for "sanitarian" and "environmental health specialist-in-training" for "sanitarian-in-training".

Amending sections 2-15-1861, 7-22-2419, 37-40-101, 37-40-102,

37-40-203, 37-40-301, 37-40-302, 37-40-304, 37-40-305, 37-40-312, 50-50-106, 50-50-201, 50-50-202, 50-50-301, 50-50-302, 50-50-304, 50-50-305, 50-51-201, 50-51-301, 50-51-302, 50-51-303, 50-52-103, 50-52-201, 50-52-301, 50-52-302, 50-52-303, 50-53-103, 50-53-218, 75-5-106, 75-11-213, 76-4-102, 76-4-104, 76-4-106, and 81-22-305, MCA.

Committee Hearings:	House Local Government Senate Public Health, Welfare and Safety
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Second Reading Votes:	House 68-30; Senate 5-42
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Third Reading Votes:	House 63-37
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### **HB 368 Matt Brainard**

*Replace the Administrative Code Committee with Nine Rules Oversight Committees*

An Act replacing the Administrative Code Committee with nine administrative rules oversight committees, each with jurisdiction over the rules of certain agencies and offices; and providing for the organization, authority, and meetings of the committees.

Amending sections 2-4-102, 2-4-110, 2-4-302, 2-4-306, 2-4-307, 2-4-308, 2-4-311, 2-4-312, 2-4-313, 2-4-314, 2-4-401, 2-4-402, 2-4-403, 2-4-404, 2-4-405, 2-4-406, 2-4-410, 2-4-411, 2-4-412, 5-2-504, 5-14-101, 5-14-102, 5-14-103, and 5-14-104, MCA.

Committee Hearings:	House State Administration Senate State Administration
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Second Reading Vote:	House 61-39
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Third Reading Vote:	House 70-30
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Tabled in Senate committee.

### **HB 394 Larry Hal Grinde**

*Regulate Lobbying by State Agencies*

An Act regulating lobbying by state agencies; requiring notice to the Legislative Finance Committee when a state agency lobbies the state

legislature; providing that department directors, state employees, and appointed public officials may not engage in lobbying for hire without a license issued by the Commissioner of Political Practices; providing for an administrative penalty and administrative enforcement; and requiring action and reports by the Legislative Auditor.

Amending section 5-7-102, MCA.

Committee Hearings:	House State Administration Senate State Administration
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Second Reading Votes:	House 82-15; Senate 35-15
Third Reading Votes:	House 77-23; Senate 36-14

Senate amended, House concurred, 80-17.

Governor vetoed.

Veto override failed: House 62-38, Senate 21-29.

#### **HJR 11 Rick Jore**

##### *Oppose Delegating Federal Program Management to Indians*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana expressing opposition to the federal government contracting, compacting, or delegating to Indian tribes management authority for the National Bison Range and other programs not established specifically for American Indians.

Committee Hearings:	House State/Federal Relations
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Tabled in House committee.

## **- Montana Environmental Policy Act -**

**Passed \***

### **HB 344 \* Ray Peck**

*Revise the Procedures for University System Land Transactions*

An Act revising the procedures for university system land transactions; and clarifying that proposed land transactions must comply with the requirements of the Montana Environment Policy Act and with Montana antiquities laws.

Amending section 20-25-307, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 98-0; Senate 45-4

Third Reading Votes:

House 100-0; Senate 41-8

Senate amended, House concurred, 96-0.

### **HB 607 \* Larry Hal Grinde**

*Require DNRC to Issue Historic Right-of-Way Deeds*

An Act providing for the issuance of historic right-of-way deeds by the Department of Natural Resources and Conservation granting nonexclusive easements for historic uses of state lands for rights-of-way; providing for the criteria for issuance of the deeds and the terms of the deeds; requiring payment of a fee and the value of the historic right-of-way; providing a statutory appropriation; and providing a termination date.

Amending section 17-7-502, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:  
Third Reading Votes:

House 95-4; Senate 48-0  
House 93-7; Senate 50-0

Senate amended, House concurred, 91-9.

## Failed

### HB 475 John Cobb

*Require DEQ to Require Assessment of Use of Microbes in EIS for Metal Mines*

An Act requiring the Department of Environmental Quality to include in Environmental Impact Statements for new or expanded hard-rock mining operations a reasonable assessment of the feasibility of using microbial technology as an alternative to traditional methods of mineral extraction, mineral recovery, and related management of environmental risk; and providing an immediate effective date and an applicability date.

Amending sections 82-4-302 and 82-4-322, MCA.

Committee Hearings:

House Natural Resources

Tabled in House committee.



# Fish and Wildlife

## - Hunting, Trapping, Fishing, Outfitting and - Wildlife Protection

**Passed \***

**SB 52 \* William Crismore**

*Clarify FWP Commission Authority for Mountain Lion and Bobcat Chase Seasons*

An Act clarifying the authority of the Fish, Wildlife, and Parks Commission to allow and regulate mountain lion and bobcat chase seasons; and providing an immediate effective date.

Amending section 87-3-124, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish, Wildlife and  
Parks

Second Reading Votes:

Senate 41-0; House 88-12

Third Reading Votes:

Senate 49-0; House 79-20

**SB 60 \* Mike Sprague**

*Revise Fish and Game Licensing and License Agent Provisions*

An Act revising certain provisions regarding fish and game licenses; allowing the Department of Fish, Wildlife, and Parks to adopt rules regarding proof of competency in safety instruction; revising the information requirements and the form of the wildlife conservation license; clarifying provisions related to the migratory bird license and migratory bird stamp; allowing rather than requiring the department to furnish a decal to the holder of a combination sports license; revising the date when a license agent must account for unsold licenses; allowing the department to charge new license agents an electronic license system installation fee; allowing the department

to adopt rules regarding the compensation, fees, and duties of license agents; revising the terms of the reciprocal fishing license; and providing a delayed effective date.

Amending sections 87-2-102, 87-2-105, 87-2-106, 87-2-202, 87-2-411, 87-2-412, 87-2-711, 87-2-902, 87-2-903, and 87-2-1001, MCA.

Committee Hearings:	Senate Fish and Game House Fish, Wildlife and Parks
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Second Reading Votes:	Senate 34-15; House 77-17
Third Reading Votes:	Senate 33-16; House 83-14

### **SB 63 \* Mike Foster**

#### *Free Fishing Day for Angler Education Events*

An Act providing a free fishing day for participants in approved angler educational events and activities; and providing an immediate effective date.

Committee Hearings:	Senate Fish and Game House Fish, Wildlife and Parks
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Second Reading Votes:	Senate 49-0; House 69-31
Third Reading Votes:	Senate 49-0; House 58-41

House amended, Senate concurred, 44-6.

### **SB 115 \* Linda Nelson**

#### *Allow Residents of Specified Care Facilities to Fish Without a License*

An Act allowing supervised residents of licensed long-term care facilities, nursing care facilities, personal care facilities, and community homes for persons with disabilities to fish without a license upon annual application by managers or directors of the facilities and homes; and providing an applicability date.

Amending section 87-2-802, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish, Wildlife and  
Parks

Second Reading Votes:

Senate 49-0; House 95-5

Third Reading Votes:

Senate 49-0; House 94-5

**SB 141 \* Ken Mesaros**

*Clarify Criminal Application of Fish and Game Statute*

An Act clarifying that penalty provisions of the fish and game code are supplemental to but do not supersede the criminal code; providing that the general time limits for prosecution of fish and game offenses are governed by the time limits set out in the criminal code; and providing an immediate effective date.

Committee Hearings:

Senate Judiciary  
House Judiciary

Second Reading Votes:

Senate 49-0; House 90-5

Third Reading Votes:

Senate 49-0; House 92-8

**SB 183 \* Ken Mesaros**

*Regulate Brucellosis Vaccination by Administrative Rule*

An Act providing for the regulation of brucellosis vaccination through the Department of Livestock's present administrative rulemaking authority by suspending the present brucellosis vaccination statutes until October 1, 1999; and providing an immediate effective date.

Amending section 81-2-801, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 47-1; House 95-3

Third Reading Votes:

Senate 45-2; House 93-6

## **SB 338 \* Lorents Grosfield**

### *Require Licensure of Certain Outfitting and Guide Facilities and Guest Ranches*

An Act requiring licensure of certain guest ranches and outfitting and guide facilities by the Department of Public Health and Human Services; deregulating food service in certain establishments that serve food only to registered guests; providing definitions; requiring the department to adopt rules; requiring negotiated rulemaking; providing for staggered license dates; requiring an opportunity for correction of certain licensing violations; and providing effective dates.

Amending sections 50-50-102, 50-51-101, 50-51-102, 50-51-103, 50-51-201, 50-51-207, and 50-51-401, MCA.

Committee Hearings:	Senate Public Health, Welfare and Safety House State Administration
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Second Reading Votes:	Senate 48-2; House 81-18
Third Reading Votes:	Senate 44-5; House 84-15

House amended, Senate concurred, 45-5.

## **SB 394 \* Reiny Jabs**

### *Authorize FWP Commission to Separate Nonresident Deer Tags from Nonresident Combination Tags to Manage Deer*

An Act authorizing the Fish, Wildlife, and Parks Commission to separate nonresident deer licenses from the nonresident big game combination licenses for the purpose of deer management; allowing the Commission to set the fee for the nonresident elk combination license without a deer tag and for the separated nonresident deer combination license, to determine the number of licenses within established limits, and to set conditions on the use of the licenses; and providing an immediate effective date and a termination date.

Amending sections 87-1-301 and 87-2-504, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish, Wildlife and  
Parks

Second Reading Votes:

Senate 36-13; House 54-43

Third Reading Votes:

Senate 38-11; House 51-48

## **HB 20 \* John Cobb**

### *Class A Resident Temporary Fishing License*

An Act providing a temporary fishing license for Montana residents; requiring the Fish, Wildlife, and Parks Commission to set the terms and conditions of the license by administrative rule; and providing that a portion of the license fee be used to purchase recreational facilities in a like manner as other fishing license fees.

Amending section 87-1-605, MCA.

Committee Hearings:

House Fish, Wildlife and  
Parks  
Senate Fish and Game

Second Reading Votes:

House 97-2; Senate 45-2

Third Reading Votes:

House 96-1; Senate 40-5

Senate amended, House concurred, 93-4.

## **HB 271 \* Hal Harper**

### *Increase Penalty for Illegal Fish Introduction*

An Act increasing the penalty for the intentional importation, introduction, or transplantation of fish in violation of Title 87, chapter 5, part 7.

Amending section 87-5-721, MCA.

Committee Hearings:

House Fish, Wildlife and  
Parks  
Senate Fish and Game

Second Reading Votes:

House 87-13; Senate 50-0

Third Reading Votes:

House 86-13; Senate 44-0

Senate amended, House concurred, 79-18.

### **HB 278 \* Jay Stovall**

#### *Allow County to Keep 100% of Fees Collected for County Licenses*

An Act allowing counties to retain 100 percent of the money received by the county for issuing county licenses; and revising the allocation of fee money for predator control.

Amending sections 7-21-2105, 81-7-111, 81-7-114, 81-7-118, 81-7-120, 81-7-121, and 81-7-122, MCA; and repealing section 81-7-119, MCA.

Committee Hearings:

House Local Government  
Senate Local Government

Second Reading Votes:

House 81-15; Senate 41-0

Third Reading Votes:

House 89-10; Senate 48-0

### **HB 289 \* Bob Pavlovich**

#### *Four-Day Legion of Valor Free Fishing*

An Act providing for 4-day free fishing permits for members of the Legion of Valor participating in a convention in Montana from August 27, 1997, to August 31, 1997; and providing a termination date.

Committee Hearings:

House Fish, Wildlife and  
Parks  
Senate Fish and Game

Second Reading Votes:

House 98-1; Senate 50-0

Third Reading Votes:

House 100-0; Senate 50-0

## **HB 360 \* Red Menahan**

### *Prohibit Harassment of Anglers and Bird Hunters*

An Act revising the prohibition against intentional interference with the taking of a wild animal by including harassment of anglers and harassment of game bird hunters as prohibited activities; and revising definitions.

Amending sections 87-3-141 and 87-3-142, MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Votes:	House 99-0; Senate 49-1
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Third Reading Votes:	House 99-0; Senate 40-4
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Senate amended, House concurred, 96-0.

## **HB 547 \* William Rehbein**

### *Seized Game Animal Meat or Sale Proceeds to Food Bank Network*

An Act requiring that the proceeds, less costs, from the sale of game animal meat seized from a person found guilty of illegally killing a wild animal or game animal be statutorily appropriated to the Department of Public Health and Human Services for the purposes of awarding grants to the Montana Food Bank Network; requiring that meat from an illegally taken game animal seized by game wardens be either donated directly to the Montana Food Bank Network or public or charitable institutions or sold, with the proceeds, less costs, going to the Department of Public Health and Human Services; allowing the Department of Livestock to capture, test, quarantine, vaccinate, and sell live wild buffalo or bison to help defray costs incurred as part of the disease control program; allowing the Department of Livestock to transfer brucellosis-free wild buffalo or bison to qualified tribal entities under certain conditions; and providing that revenue generated in excess of funds needed for the wild buffalo or bison disease control program be statutorily appropriated to the Department of Public Health and Human Services for the purposes of awarding grants to the Montana Food Bank Network.

Amending sections 17-7-502, 81-2-120, 87-1-506, and 87-1-513, MCA.

Committee Hearings: House Fish, Wildlife and  
Parks  
Senate Fish and Game

Second Reading Votes: House 93-4; Senate 50-0  
Third Reading Votes: House 93-7; Senate 49-1

Senate amended, House did not concur, 91-3.

Free conference committee report adopted by Senate 39-9; rejected by House 45-52.

Motion passed in House to reconsider previous action and place on 3rd reading.

Motion failed in House to take from 3rd reading and place on 2nd reading, 46-53.

Free conference committee report adopted: House 58-41, Senate 39-9.

#### **HJR 27 \* Shiell Anderson**

##### *Resolution Supporting the Governor's Position on Bison Management*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting the Governor for his stance on federal bison management and urging him to remain firm in his demand that the President of the United States direct the United States Secretaries of Agriculture and the Interior to resolve their differences over bison management in a way that will not expose Montana citizens or the agricultural industry to harm.

Committee Hearings: House Agriculture  
Senate Agriculture, Livestock  
and Irrigation

Second Reading Votes: House 95-4; Senate 43-5  
Third Reading Votes: House 88-12; Senate 43-6

Senate amended, House concurred, 74-25.



## Failed

### **SB 73 Bruce Crippen**

#### *Modify Fish, Wildlife and Parks Commission Regulation of Importation and Possession of Wildlife*

An Act protecting Montana livestock, agricultural interests, and wildlife by modifying the manner in which the Fish, Wildlife, and Parks Commission may restrict the importation and possession of wildlife by allowing the commission to develop a listing, by rule, restricting and regulating wildlife importation and possession; defining "import" and "possession"; increasing the penalty for the intentional importation, possession, introduction, or transplantation of wildlife; and providing effective dates and a termination date.

Amending sections 87-5-701, 87-5-702, 87-5-703, 87-5-712, and 87-5-721, MCA; and repealing section 87-5-112, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 35-11

Third Reading Votes:

Senate 37-13

Tabled in House committee.

### **SB 91 Lorents Grosfield**

#### *Park Ranger Reserve Program*

An Act establishing a reserve park ranger and auxiliary park ranger program; granting rulemaking authority to the Department of Fish, Wildlife, and Parks to determine the training course content and curriculum for reserve park rangers; allowing reserve park rangers to be ex officio wardens; providing for the security of reserve park rangers; allowing reserve park rangers to accept and engage in casual employment; and providing an effective date.

Amending sections 13-2-115, 13-2-122, 37-60-406, and 87-1-503, MCA.

Committee Hearings:

Senate Fish and Game

Tabled in Senate committee.

**SB 132 Ken Mesaros**

*Require Landowner Permission to Enter or Remain on Land and for All Hunting/Certain Fishing*

An Act requiring a person who desires to enter or remain upon land to obtain the explicit permission of the landowner or other authorized person, except for certain incidental purposes; eliminating the provision that permission to enter land is extended by failure to post notice denying entry; and providing that landowner permission is required for entry onto private property for all hunting and certain fishing.

Amending sections 45-6-201 and 87-3-304, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 31-19; House 49-51

Third Reading Votes:

Senate 30-20

Motion failed in House to reconsider previous action (2nd reading vote), 44-54.

**SB 174 John Harp**

*Allow Market and Sale of Lake Trout in Specified Areas*

An Act providing for the catching of lake trout in specified waters for speculative purposes, for market, or for sale.

Amending sections 87-4-601 and 87-4-605, MCA.

Committee Hearings:

Senate Fish and Game

Tabled in Senate committee.

## **SB 217 Tom Keating**

### *Allow Public Hunting of Wild Buffalo; Trophy Wild Buffalo License*

An Act establishing the Department of Fish, Wildlife, and Parks as the lead agency for management of wild buffalo or bison; allowing public hunting of wild buffalo or bison by creating a trophy wild buffalo license; designating wild buffalo or bison that pose no direct threat to health, safety, or property as game animals, as determined by the Departments of Livestock and Fish, Wildlife, and Parks; requiring orientation for participating license holders; setting terms and fees of the trophy wild buffalo license; requiring monitoring of health for animals taken pursuant to the trophy wild buffalo license; and requiring a report on wild buffalo or bison management progress to the 56th Legislature.

Amending sections 81-2-120 and 87-1-216, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation

Tabled in Senate committee.

## **SB 287 William Crismore**

### *Revise Hunting, Fishing and Trapping Penalties*

An Act permanently prohibiting from hunting, fishing, or trapping a person whose hunting, fishing, or trapping license has been revoked three times; providing for the forfeiture of firearms or bows when used in violating certain hunting laws for the second time; and requiring the Department of Fish, Wildlife, and Parks to auction forfeited weapons and use the proceeds for hunter education or for the Fish and Wildlife Crimestoppers Program.

Amending section 87-1-102, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish, Wildlife and  
Parks

Second Reading Votes:

Senate 40-10; House 55-45

Third Reading Votes:

Senate 45-5; House 31-69

**SB 351 Gerry Devlin**

*Prorate Landowner Benefits When Hunting Access Granted by More than one Owner*

An Act requiring that benefit payments to landowners participating in the Hunting Access Enhancement Program be prorated between affected landowners when a hunter is granted access by more than one participating landowner in a single day; and providing a termination date.

Amending section 87-1-267, MCA.

Committee Hearings:

Senate Fish and Game

Missed transmittal deadline.

Died in committee.

**SB 352 Gerry Devlin**

*Require Signing of Property in and Maps of Land in Hunting Enhancement Program*

An Act requiring that the Department of Fish, Wildlife, and Parks post lands contracted under the hunting access enhancement program and provide maps of lands in the program to participating landowners for distribution to hunters; and providing a termination date.

Amending section 87-1-267, MCA.

Committee Hearing:

Senate Fish and Game

Missed transmittal deadline.

Died in committee.

**SB 363 Lorents Grosfield**

*Emergency Ground Water Use to Benefit Fishery; Changes to Water Leasing*

An Act allowing emergency ground water use to benefit the fishery resource; granting abandonment protection for voluntary nonuse of water; exempting emergency ground water use from the provisions of basin closures; revising

the water leasing program; and providing an immediate effective date and a retroactive applicability date.

Amending sections 85-2-102, 85-2-306, 85-2-311, 85-2-319, 85-2-402, 85-2-404, and 85-2-437, MCA; section 11, chapter 658, Laws of 1989; and sections 4 and 7, chapter 740, Laws of 1991.

Committee Hearing: Senate Natural Resources

Second Reading Vote: Senate 19-31

### **HB 37 John Cobb**

#### *Allow Possession of Bighorn Sheep Parts from Animal Dead of Natural Causes*

An Act allowing the possession and transportation of bighorn sheep horns with a skull or portion of a skull attached and bones taken from a bighorn sheep that has died from natural causes and that has not been unlawfully or accidentally killed; allowing the Department of Fish, Wildlife, and Parks to require registration and tagging of the bighorn sheep horns; and allowing the department to charge a fee for the registration and the tag.

Amending section 87-3-111, MCA.

Committee Hearings: House Fish, Wildlife and Parks

Tabled in House committee.

### **HB 109 Hal Harper**

#### *Revise Private Fish Pond Regulations*

An Act revising regulation of private fish ponds; clarifying the definition of "artificial lake or pond"; establishing a 1-year amnesty program for pond owners not in compliance with fish pond regulations; establishing terms, fees, site inspections, and transfer and renewal procedures for noncommercial and commercial private fish pond licenses; eliminating the provision allowing the federal government to conduct fish hatching operations in any manner and at any time that the federal government considers it necessary and proper; and providing an immediate effective

date, an applicability date, and a termination date.

Amending sections 87-3-204, 87-3-205, 87-4-601, 87-4-603, and 87-4-606, MCA; and repealing section 87-1-704, MCA.

Committee Hearing:	House Fish, Wildlife and Parks
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Tabled in House committee.

### **HB 133 Red Menahan**

#### *Prohibit Angler Harassment*

An Act prohibiting harassment of anglers; and making angler harassment a misdemeanor.

Amending sections 87-3-141 and 87-3-142, MCA.

Committee Hearing:	House Fish, Wildlife and Parks
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Tabled in House committee.

### **HB 175 Bob Ream**

#### *Repeal Prohibition Against Deer Hunting Within City or Town Limits*

An Act eliminating the statutory prohibition against hunting deer within city or town boundaries.

Repealing section 87-3-305, MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Vote:	House 52-45
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Third Reading Vote:	House 48-50
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Motion passed in House to reconsider previous action (3rd reading vote).

Third Reading Vote:

House 56-42

Tabled in Senate committee.

**HB 220 Bob Lawson**

*Class B-12 Outfitter-Sponsored Nonresident Archery Deer License*

An Act providing for the issuance of a Class B-12 outfitter-sponsored nonresident archery deer license; establishing the terms, conditions, and price of the Class B-12 license; and providing a delayed effective date.

Committee Hearing:

House Fish, Wildlife and  
Parks

Tabled in House committee.

**HB 235 Bob Raney**

*One Million Dollars Annually from RIT Fund to Future Fisheries for Pollution Mitigation*

An Act appropriating \$1 million annually from the interest of the Resource Indemnity Trust fund to the Future Fisheries Improvement Program to assist in paying the costs of moving or removing sources of pollution from streambanks and lakeshores; and providing an effective date.

Amending sections 15-38-202 and 87-1-272, MCA.

Committee Hearing:

House Appropriations

Tabled in House committee.

**HB 236 Bob Raney**

*Maintenance Priority for State Parks and Fishing Access Sites*

An Act revising the mission of the Department of Fish, Wildlife, and Parks to clarify that maintenance of present state parks and fishing access sites has priority over improvement and development of those parks and sites; defining "maintenance"; requiring that certain expenditures for improvement

and development of state parks and fishing access sites be approved by the Legislature; and providing an applicability date.

Amending sections 23-1-110, 23-2-101, 23-2-103, 87-1-209, and 87-1-605, MCA.

Committee Hearing:	House Fish, Wildlife and Parks
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Tabled in House committee.  
Passed from committee as amended.

Second Reading Vote:	House 59-41
Third Reading Vote:	House 39-61

### **HB 247 Hal Harper**

#### *Remedial Conservation Education Program for Nonviolent Fish and Game Offenses*

An Act creating a remedial conservation education program for certain nonviolent fish and wildlife, outdoor recreation, and natural resources offenders; allowing a sentencing court to order remedial conservation education treatment and public community service in addition to other fines and penalties upon conviction of an offense resulting in injury to a person or property that occurs during hunting, and a second or subsequent fish and wildlife violation, an outfitting and guiding violation, an aquatic ecosystem violation, a waste and litter control violation, or a state lands recreational use violation; requiring that program costs be paid by the offender; requiring certification of conservation education schools by the Department of Fish, Wildlife, and Parks; and allowing the department to establish certification and curriculum requirements by administrative rule.

Committee Hearing:	House Fish, Wildlife and Parks
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Tabled in House committee.



## **HB 265 Brad Molnar**

*Revise Special Hunting Permit System and Variable Priced Reserved B-10 and B-11 Permits*

An Act prohibiting a person who receives a special elk permit in certain designated areas from applying for a similar permit in any designated area for 5 years.

Amending section 87-2-704, MCA.

Committee Hearing:

House Fish, Wildlife, and  
Parks  
Senate Fish and Game

Tabled in House committee.

Passed from committee as amended.

Second Reading Vote:

House 89-8

Third Reading Vote:

House 87-10

Tabled in Senate committee.

## **HB 307 Rick Jore**

*Revise State-Tribal Hunting and Fishing*

An Act terminating the state-tribal hunting and fishing cooperative agreement between the Confederated Salish and Kootenai tribes of the Flathead Indian Reservation and the State of Montana; providing additional statutory criteria to be applied upon a renegotiation of the agreement; and providing an immediate effective date and an applicability date.

Amending section 87-1-228, MCA.

Committee Hearing:

House Fish, Wildlife and  
Parks

Tabled in House committee.

## **HB 387 Bruce Simon**

### *Public Notification of Fish Stocking*

An Act requiring the Department of Fish, Wildlife, and Parks to annually, before hatchery fish stocking occurs, issue for public comment information on all hatchery fish stocking activities that the department plans to conduct.

Amending section 87-3-201, MCA.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
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Second Reading Vote:	House 85-15
Third Reading Vote:	House 90-10

Tabled in Senate committee.

Passed from committee as amended.

Second Reading Vote:	Senate 15-34
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## **HB 404 William Rehbein**

### *FWP Wildlife Conservation Predator Control Program*

An Act dedicating \$1 from the sale of each Montana wildlife conservation license to be used for a program administered by the Department of Fish, Wildlife, and Parks for the conservation of wildlife through predator control; establishing the Predator Control Account; granting the Department of Fish, Wildlife, and Parks rulemaking authority to administer the Wildlife Conservation Predator Control Program; requiring that a notice be placed on each conservation license stating that a portion of the fee will be used to conserve wildlife through the control of predators; and providing an immediate effective date.

Amending section 87-2-202, MCA.

Committee Hearing:	House Fish, Wildlife and Parks
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Tabled in House committee.

### **HB 413 Dick Knox**

#### *Hunting and Fishing Law Violator's Ethics Education Program*

An Act establishing a hunting and fishing law violator education pilot program for individuals whose hunting or fishing licenses have been suspended or revoked, violators who injure persons or property in state parks and on state lands, violators who commit the offense of criminal trespass, and violators who negligently or recklessly operate a motorboat; allowing a sentencing court to order public community service in addition to other fines and penalties; allowing the Department of Fish, Wildlife, and Parks to make rules governing administration of the pilot program; requiring that a course be completed before a license may be reissued; allowing the department to approve and certify private entities to conduct the course; requiring the department to evaluate the program's effectiveness and report its findings to the 1999 Legislature; and providing effective dates and a termination date.

Committee Hearings:

House Fish, Wildlife and  
Parks  
Senate Fish and Game

Second Reading Vote:

House 80-19

Third Reading Vote:

House 79-20

Tabled in Senate committee.

### **HB 520 Emily Swanson**

#### *Block Management Area Hunting Permit*

An Act allowing the Fish, Wildlife, and Parks Commission to establish a fee not to exceed \$10 for a block management area hunting permit.

Amending section 87-1-265, MCA.

Committee Hearing:

House Fish, Wildlife and  
Parks

Tabled in House committee.

## **HB 526 Joe Quilici**

### *Whirling Disease Research License Plates*

An Act authorizing the issuance of whirling disease research license plates; providing for disposition of the proceeds from the sale of the plates; and providing for a statutory appropriation to the Department of Fish, Wildlife, and Parks to be used as grants to Montana whirling disease research foundations.

Amending sections 17-7-502 and 61-3-332, MCA.

Committee Hearing: House Transportation

Tabled in House committee.

## **HJR 1 Sam Kitzenberg**

### *Resolution for Working Group to Study the FWP Commission and the FWP Department*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging landowners, outfitters, the sporting community, and the public to work together to address common goals to enhance the efficient management of Montana's wildlife resources, including potential reorganization of the Fish, Wildlife, and Parks Commission and the Department of Fish, Wildlife, and Parks; and requesting that these efforts be coordinated through the Office of the Governor.

Committee Hearing: House Fish, Wildlife and Parks

Tabled in House committee.

## **HR 2 Hal Harper**

### *Urge Consensus Council to Coordinate Streamside Effort*

A Resolution of the House of Representatives of the State of Montana urging property owners, developers, local, state, and federal government representatives, conservation districts, conservation and recreation groups, and affected citizens to work together to identify common goals regarding

land development in streamside corridors and urging them to identify strategies to reach these goals; and requesting that these efforts be coordinated by the Montana Consensus Council.

Committee Hearing: House Agriculture

Tabled in House committee.

**- Other -**

**Passed \***

**SB 42 \* Al Bishop**

*Allow FWP to Convey Land and Water Interests Through Direct Sales*

An Act allowing the Department of Fish, Wildlife, and Parks, under certain circumstances, to convey department interests in lands and waters through direct sales rather than through a bidding process; and providing an immediate effective date.

Amending section 87-1-209, MCA.

Committee Hearings: Senate State Administration  
House Fish, Wildlife and  
Parks

Second Reading Votes: Senate 46-3; House 63-31  
Third Reading Votes: Senate 47-2; House 66-32

**Failed**

**SB 292 Lorents Grosfield**

*FWP Budget Reprioritization; Report to the Legislature*

An Act addressing budgeting priorities of the Department of Fish, Wildlife, and Parks to provide that the department investigate the potential of using fish and game license money to fund any department programs or portions of programs and any programs or portions of programs related to fish and wildlife that are administered by other agencies and entities that are

presently funded by other state funding sources and to reprioritize departmental budgeting to fund those programs or portions of programs with license fees whenever the use of license fees will not jeopardize federal funds accruing to the department; requiring a report to the 56th Legislature regarding the budget reprioritization process; and providing an immediate effective date.

Committee Hearing:

Senate Fish and Game

Missed transmittal deadline.

Died in committee.

# Forestry

**Passed \***

**SB 100 \* Tom Beck**

*Revise Forest Land Taxation Laws*

An Act clarifying the classification of forest land for property tax purposes; clarifying the property tax rate applied to forest land; revising the definitions of "forest land" and "forest productivity value"; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-6-143, 15-44-102, and 15-44-103, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 48-0; House 97-2

Third Reading Votes:

Senate 46-0; House 97-3

**HB 73 \* Doug Mood**

*Transfer Rulemaking Authority*

An Act transferring rulemaking authority from the state Board of Land Commissioners to the Department of Natural Resources and Conservation to ensure that rulemaking authority for fire protection, protection of forest resources, fire protection services, and control of timber and debris is consistent with rulemaking authority in the department's other forestry programs; clarifying the responsibilities of the department concerning the protection of forest resources, the provisions for fire protection services, and the control of timber slash and debris; and providing an immediate effective date.

Amending sections 76-11-101, 76-13-102, 76-13-103, 76-13-109, 76-13-112, 76-13-201, 76-13-204, 76-13-205, 76-13-403, 76-13-408, and 76-13-414, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 97-1; Senate 50-0

Third Reading Votes:

House 97-1; Senate 49-1

**HB 156 \* Ed Grady**

*Two-Year Increase in the Amount Allowed for Resource Development on School Lands*

An Act providing for a 2-year increase in the amount allowed to fund resource development on school lands; providing an effective date; and providing a termination date.

Amending section 77-1-607, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Vote:

House 55-43

Third Reading Vote:

House 56-43

Tabled in Senate committee.

Passed out of committee.

Second Reading Vote:

Senate 50-0

Third Reading Vote:

Senate 50-0

**Failed**

**SJR 7 Tom Keating**

*Forest Plan Oil and Gas Leasing Resolution*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting Congress to require the United States Forest Service to redraft and correct the deficiencies in the *Lewis and Clark National Forest Oil and Gas Leasing Draft Environmental Impact Statement, July 1996* or to select alternative 3 in the Final Record of Decision.

Committee Hearing:

Senate Natural Resources

Missed transmittal deadline.

Died in committee.



**HB 62 Ed Grady**

*Deposit of Interest on Fire Hazard Bonds*

An Act depositing the interest earned from fire hazard reduction bonds in the state special revenue fund to the credit of the Department of Natural Resources and Conservation; and providing an effective date.

Amending section 76-13-408, MCA

Committee Hearing: House Appropriations

Tabled in House committee.

**HB 461 Diana Wyatt**

*Authorize Park and Forestry Maintenance Districts for Cities and Towns*

An Act authorizing Park and Forestry Maintenance Districts in addition to street maintenance districts; and allowing improvements in a maintenance district to be provided for by resolution as well as ordinance.

Amending sections 7-12-4401, 7-12-4402, 7-12-4405, 7-12-4406, 7-12-4407, and 7-12-4422, MCA.

Committee Hearings: Senate Local Government  
House Local Government

Second Reading Votes: House 51-43; Senate 15-33  
Third Reading Vote: House 51-49

# Land Use

## - Local Government Regulation -

**Passed \***

### **SB 180 \* Steve Doherty**

*Clarify Applicability of Mail Ballot to Certain Elections*

An Act clarifying the applicability of mail ballot elections to certain elections; clarifying the availability of special elections for certain water and sewer projects; and providing an immediate effective date.

Amending sections 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 85-9-206, and 85-9-623, MCA.

Committee Hearings:

Senate Local Government  
House State Administration

Second Reading Votes:

Senate 48-1; House 88-10

Third Reading Votes:

Senate 46-3; House 87-12

### **SB 191 \* Don Hargrove**

*Provide for Creation, by Election, of Resort Area District; Directors, etc.*

An Act authorizing the creation of a resort area district; providing an election process by which a resort area district may be created; providing for the election of members to the board of directors of a resort area district; enabling the administration of a resort area district; allowing the board of directors of a resort area district to expend revenue from a resort area tax; and providing an immediate effective date.

Amending sections 7-6-4465 and 7-6-4469, MCA.

Committee Hearings:

Senate Local Government  
House Taxation

Second Reading Votes:

Senate 49-0; House 75-25

Third Reading Votes:

Senate 43-4; House 68-31

**SB 339 \* Lorents Grosfield**

*Clarify the Review of Certain Parcel Divisions*

An Act clarifying the review of certain parcel divisions; and providing an immediate effective date and a retroactive applicability date.

Amending sections 76-3-103, 76-3-201, and 76-3-507, MCA.

Committee Hearings:

Senate Local Government  
House Natural Resources

Second Reading Votes:

Senate 49-0; House 95-5

Third Reading Votes:

Senate 50-0; House 89-9

House amended, Senate did not concur, 50-0.

Conference committee report adopted: Senate 47-0, House 80-16.

**SB 372 \* Mignon Waterman**

*Revise Property Tax Records for Change of Ownership, Except Land Split Cases*

An Act requiring the Department of Revenue, upon a timely showing of a change in ownership or of a land conveyance resulting in a change of ownership, except in the case of land splits, to change the current ownership records; and providing a delayed effective date and an applicability date.

Amending sections 15-7-102, 15-8-201, and 15-10-305, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 50-0; House 95-3

Third Reading Votes:

Senate 49-1; House 94-5

House amended, Senate concurred, 47-2.

**HB 197 \* Billie Krenzler**

*Lighting Districts: Clarify Notice, Minor Modifications, Terminate, Amortization 8 to 20 Years*

An Act revising certain provisions relating to lighting districts; clarifying that the mailing address for property assessment purposes is the appropriate mailing address with respect to creating a lighting district; allowing the termination of a lighting district by a majority vote of a city or town council as well as by a petition of property owners; increasing from 8 years to 20 years the period over which a lighting district bond may be amortized; clarifying the meaning of "minor modifications" to a lighting district; and providing an effective date.

Amending sections 7-12-4303, 7-12-4311, 7-12-4342, and 7-12-4354, MCA.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 78-21; Senate 49-0
Third Reading Votes:	House 79-21; Senate 47-0

**HB 278 \* Jay Stovall**

*Allow County to Keep 100% of Fees Collected for County Licenses*

An Act allowing counties to retain 100 percent of the money received by the County for issuing County licenses; and revising the allocation of fee money for predator control.

Amending sections 7-21-2105, 81-7-111, 81-7-114, 81-7-118, 81-7-120, 81-7-121, and 81-7-122, MCA; and repealing section 81-7-119, MCA.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 81-15; Senate 41-0
Third Reading Votes:	House 89-10; Senate 48-0

## **HB 369 \* Matt Brainard**

### *Revise Local Government Law; Specify Requirements Related to Annexation*

An Act generally revising local government law; requiring contiguous annexation by a city or town to be approved by vote of the registered voters residing in the area to be annexed unless there are less than 300 recorded parcels in the area; increasing in certain instances from 1 year to 5 years the period that a city or town council is required to wait to initiate, without petition, the question of annexing an area, calculated from the date voters residing in that area vote against annexation; eliminating a mayor's authority to call out the militia; eliminating a mayor's right to call out citizens in case of a riot; and modifying a mayor's right to exercise extraterritorial powers within 5 miles of the city or town limits for the purpose of enforcing health and quarantine ordinances.

Amending sections 7-2-4303, 7-2-4311, 7-2-4312, 7-2-4313, 7-2-4314, 7-2-4325, 7-2-4502, 7-3-4101, 7-4-4303, and 7-4-4306, MCA; and repealing sections 7-2-4321, 7-2-4322, 7-2-4323, 7-2-4324, and 7-4-4304, MCA.

Committee Hearings:	House Local Government Senate Local Government
Second Reading Votes:	House 86-14; Senate 50-0
Third Reading Votes:	House 85-14; Senate 49-0

Senate amended, House did not concur, 77-19.

Free conference committee report adopted: House 96-1, Senate 47-0.

## **HB 388 \* Bruce Simon**

### *Generally Revise Building Code Laws*

An Act defining and revising building code law terms; expanding the types of buildings exempt from building codes; expanding the duties of municipalities and counties; providing that rule changes are of significant interest to the public; changing provisions relating to certification of building codes by the Department of Commerce; and providing a delayed effective date.

Amending sections 50-60-101, 50-60-102, 50-60-106, 50-60-203, 50-60-204, and 50-60-302, MCA.

Committee Hearings:	House Business and Labor Senate Business and Industry
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Second Reading Vote:	House 55-45
Third Reading Vote:	House 49-49

Motion passed in House to reconsider previous action (3rd reading vote).

Third Reading Vote:	House 55-44
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Second Reading Vote:	Senate 37-13
Third Reading Vote:	Senate 41-9

Senate amended, House did not concur, 44-52.

Voted to segregate from the committee of the whole report, 55-40.

House failed to accept Senate amendments, 80-15.

Free conference committee report adopted: House 79-20, Senate 45-4.

#### **HB 408 \* Cliff Trexler**

##### *Provide an Exception for Single Parcel Transfer*

An Act exempting from review of development plans a parcel of 1 acre or more with an existing well and septic system.

Amending section 76-4-125, MCA.

Committee Hearings:	House Natural Resources Senate Local Government
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Second Reading Votes:	House 98-0; Senate 50-0
Third Reading Votes:	House 95-1; Senate 48-1

#### **HB 421 \* Matt Denny**

##### *Revise Zoning Conversion*

An Act allowing a municipality to hold a hearing on a proposed annexation in conjunction with a hearing on the zoning of the proposed annexation.

Amending section 76-2-303, MCA.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 97-2; Senate 40-0
Third Reading Votes:	House 96-4; Senate 48-0

**HB 489 \* Robert Story**

*Local Government Notification of Pesticide Application*

An Act specifying the provisions for a unit of local government to regulate the notification of pesticide application; and providing an immediate effective date and an applicability date.

Amending section 80-8-120, MCA.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
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Second Reading Votes:	House 68-29; Senate 35-14
Third Reading Votes:	House 67-33; Senate 38-11

**HB 518 \* David Ewer**

*Revise Local Government Laws re Bonds; Municipal Offices and Water Districts*

An Act generally revising local government laws; allowing appointed municipal officials to reside outside city limits; increasing the period for municipal installment contracts from 5 years to 10 years; clarifying that amortization bonds are not preferred over serial bonds; allowing refunding bonds to be sold at less than par value; allowing multijurisdictional service districts to provide programs for the protection of human health and the environment; allowing money in a district reserve account to be used to pay the final principal and interest payment on bonds or warrants; allowing a vote on changing county water or sewer district boundaries to be held by mail ballot; allowing a fire service area to incur indebtedness in an amount not exceeding 18 percent of the area's taxable value; allowing a municipality to incur indebtedness for the repair and rehabilitation of certain facilities; regulating local government requirements for recordkeeping; and providing effective dates.

Amending sections 7-4-4111, 7-5-4302, 7-5-4306, 7-7-2209, 7-7-4208, 7-7-4251, 7-7-4626, 7-11-1102, 7-12-2171, 7-12-4169, 7-12-4203, 7-13-2208, 7-14-2526, 7-16-4104, and 7-33-2404, MCA.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 60-40; Senate 50-0
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Third Reading Votes:	House 57-43; Senate 49-0
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Senate amended, House concurred, 72-28.

### **HB 556 \* Ed Grady**

*Membership Requirements for Joint/Consolidated City/County Planning Boards*

An Act revising the membership requirements for joint or consolidated city-county planning boards; and providing an effective date and a retroactive applicability date.

Amending section 76-1-112, MCA.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:	House 95-2; Senate 50-0
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Third Reading Votes:	House 95-3; Senate 49-0
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### **HJR 33 \* Matt Denny**

*Request an Interim Study of Self-Governance for Local Jurisdictions*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting that an appropriate interim committee study the benefits and drawbacks of enhancing the ability of local jurisdictions to self-govern; and requiring the committee to report its findings, conclusions, and recommendations.

Committee Hearings:	House Local Government Senate Local Government
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Second Reading Votes:  
Third Reading Votes:

House 92-4; Senate 32-15  
House 84-12; Senate 21-27

## **Failed**

### **SB 137 Don Hargrove**

#### *Montana Subdivision Exemption and Open Space Dedication Act*

An Act exempting certain divisions of land from subdivision review if the owner permanently dedicates sufficient open space; providing for local certification of an exemption; and providing an effective date.

Amending sections 76-3-102, 76-3-207, and 76-4-103, MCA.

Committee Hearing : Senate Local Government

Tabled in Senate committee.

### **SB 164 Mike Sprague**

#### *Restrict Discrimination by Local Authorities Against Manufactured Housing*

An Act providing that county and municipal zoning authorities may not prohibit the use of land for a proposed residential structure for the sole reason that the structure is a manufactured home if the manufactured home is built to conform to the code issued by the federal Department of Housing and Urban Development; allowing the Board of County Commissioners to require that a manufactured home be located and installed according to certain standards.

Amending sections 76-2-202, 76-2-203, and 76-2-302, MCA.

Committee Hearings: Senate Local Government  
House Business and Labor

Second Reading Votes: Senate 42-7  
Third Reading Votes: Senate 43-5

Tabled in House committee.

**SB 179 Steve Doherty**

*Clarify Ballots for Water and Sewer Districts*

An Act providing for the use of mail ballots for the purpose of incurring bonded indebtedness for water and sewer districts; and providing an immediate effective date.

Amending section 7-13-2323, MCA.

Committee Hearing: Senate Local Government

Tabled in Senate committee.

**SB 221 John Hertel**

*Clarify County Road Laws*

An Act generally revising county road laws; allowing county commissioners to create a rural improvement district for building, maintaining, or repairing county roads; clarifying the duties of county commissioners concerning abandonment of county roads; revising certain definitions; defining "city street", "county road", "private road", "public highway", and "public road"; and eliminating the use of road improvement districts.

Amending sections 7-12-2102, 7-14-2101, 7-14-2103, 7-14-2112, 60-1-103, 60-1-201, 60-2-107, 61-1-201, 61-1-202, and 61-1-205, MCA; and repealing sections 7-14-2901, 7-14-2902, 7-14-2903, 7-14-2907, and 7-14-2908, MCA.

Committee Hearing: Senate Local Government

Tabled in Senate committee.

**HB 338 Bob Lawson**

*Generally Revise Subdivision Filing Fees*

An Act generally revising subdivision filing fees.

Amending section 7-4-2631, MCA.

Committee Hearing: House Local Government

Second Reading Vote: House 29-71

**HB 373 Matt Denny**

*Expand County Power to Adopt Ordinances, Rules and Regulations*

An Act expanding the authority of a Board of County Commissioners to adopt ordinances, rules, and regulations.

Amending section 7-5-2101, MCA.

Committee Hearing: House Local Government

Missed transmittal deadline.  
Died in committee.

**HB 450 Daniel McGee**

*Revise Subdivision and Platting Act*

An Act generally revising the Subdivision and Platting Act; and providing an immediate effective date.

Amending sections 76-3-103, 76-3-104, and 76-3-401, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.

**HB 461 Diana Wyatt**

*Authorize Park and Forestry Maintenance Districts for Cities and Towns*

An Act authorizing park and forestry maintenance districts in addition to street maintenance districts; and allowing improvements in a maintenance district to be provided for by resolution as well as ordinance.

Amending sections 7-12-4401, 7-12-4402, 7-12-4405, 7-12-4406, 7-12-4407, and 7-12-4422, MCA.

Committee Hearings:

House Local Government  
Senate Local Government

Second Reading Votes:

House 51-43; Senate 15-33

Third Reading Vote:

House 51-49

**HB 537 Marian Hanson**

*Distribute Oil and Gas Taxes to Municipality Based on Increased Production*

An Act revising the distribution of oil and natural gas production taxes; providing a distribution of oil and natural gas taxes to municipalities within a County as a result of increased production; and providing an effective date and an applicability date.

Amending section 15-36-324, MCA.

Committee Hearing:

House Taxation

Tabled in House committee.

## **- Parks and Recreation -**

**Passed \***

**SB 118 \* William Crismore**

*Generally Revise Laws Relating to Public Accommodations and Campgrounds*

An Act generally revising the laws relating to public accommodations, campgrounds, and trailer courts; providing definitions; clarifying that a bed and breakfast is a public accommodation; authorizing the Department of Public Health and Human Services to adopt rules; providing for expiration and cancellation of licenses; and providing effective dates.

Amending sections 50-51-102, 50-51-103, 50-51-201, 50-51-207, 50-51-212, 50-52-102, and 50-52-203, MCA.

Committee Hearings: Senate Business and  
Industry  
House Business and Labor

Second Reading Vote: Senate 18-31

Motion failed to segregate from the committee of the whole report, 23-17.  
Senate reconsidered bill and passed as amended.

Second Reading Votes: Senate 49-1; House 81-16

Third Reading Votes: Senate 48-2; House 78-21

House amended, Senate concurred, 48-2.

### **HB 70 \* Chase Hibbard**

#### *Exempting Recreational Leases from Beneficial Use Property Tax*

An Act exempting recreational leases from the beneficial use property tax;  
and providing an immediate effective date and a retroactive applicability  
date.

Amending sections 15-1-101 and 15-24-1203, MCA.

Committee Hearings: House Taxation  
Senate Taxation

Second Reading Votes: House 92-5; Senate 50-0

Third Reading Votes: House 90-6; Senate 49-0

### **HB 92 \* William Tash**

#### *Allow DFWP to Bypass Bidding Process for Bannack*

An Act allowing the Department of Fish, Wildlife, and Parks to bypass the  
competitive bidding process in the restoration and preservation of historic  
sites at Bannack if it is cost-effective and necessary to prevent degradation  
and loss; and providing an effective date.

Amending section 18-2-301, MCA.

Committee Hearings:

House Fish, Wildlife and  
Parks  
Senate Fish and Game

Second Reading Votes:

House 91-8; Senate 49-0

Third Reading Votes:

House 89-9; Senate 48-0

**HB 93 \* Toni Hagener**

*Designate Old Forts Trail*

An Act designating portions of Fort Benton city streets and state and U.S. highways from Fort Benton through Havre into Saskatchewan, Canada, as the "Old Forts Trail".

Committee Hearings:

House Transportation  
Senate Highways and  
Transportation

Second Reading Votes:

House 94-6; Senate 50-0

Third Reading Votes:

House 89-7; Senate 44-0

Senate amended, House concurred, 87-10.

**HB 151 \* Rod Marshall**

*Expand DFWP Crimestoppers Program to Include Parks Crimes*

An Act expanding the Fish, Wildlife, and Parks Crimestoppers Act to include state parks-related crimes; and providing an immediate effective date.

Amending sections 2-15-3404, 87-5-601, 87-5-602, 87-5-603, and 87-5-605, MCA.

Committee Hearings:

House Fish, Wildlife and  
Parks  
Senate Fish and Game

Second Reading Votes:

House 96-1; Senate 47-0

Third Reading Votes:

House 97-1; Senate 45-0

Senate amended, House concurred, 89-7.

**HB 212 \* Bob Raney**

*Establish Island Parks and Limit Development*

An Act providing for river and lake island parks on state-owned or state-leased island property in navigable rivers, streams, and lakes; limiting development of island parks; and providing an immediate effective date.

Committee Hearings:	House Fish, Wildlife and Parks Senate Fish and Game
Second Reading Votes:	House 63-37; Senate 28-21
Third Reading Votes:	House 58-38; Senate 32-17

Senate amended, House concurred, 67-29.

**Failed**

**SB 82 Dale Mahlum**

*Establishment of a Scenic-Historic Byways Program*

An Act establishing a Scenic-Historic Byways Program; authorizing an advisory council for the Scenic-Historic Byways Program and describing the council's duties; and authorizing the Transportation Commission and the Department of Transportation to administer the program.

Amending section 60-1-103, MCA.

Committee Hearings:	Senate Highways and Transportation House Transportation
Second Reading Vote:	Senate 39-11
Third Reading Vote:	Senate 39-11

Tabled in House committee.

## **SB 149 Al Bishop**

### *Revise Recreational and Commercial Use of Public Waters*

An Act providing for regulation of the recreational use of Montana's public waters in certain cases by allowing the Fish, Wildlife, and Parks Commission and the Board of Outfitters to adopt and enforce rules to address impacts caused by recreational users, to preserve a diversity of recreational opportunities, to minimize recreational user conflicts, or to protect the public health, public safety, or property; and providing an immediate effective date.

Amending sections 37-47-201 and 87-1-303, MCA.

Committee Hearings:	Senate Fish and Game House Fish, Wildlife and Parks
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Second Reading Votes:	Senate 28-18
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Third Reading Votes:	Senate 26-21
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Tabled in House committee.

## **SB 247 Ken Mesaros**

### *Absolute Liability Offense of Damaging and Destroying Property During Recreational Use*

An Act creating an absolute liability offense for damaging or destroying property while using property for recreational purposes; requiring full restitution to the property owner; and allowing for a fine to be imposed.

Committee Hearing:	Senate Judiciary
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Tabled in Senate committee.



**SB 376 John Hertel**

*Treat Personal Watercraft, Snowmobile and Off-Highway Vehicle as Motor Vehicles*

An Act transferring the licensing of dealers of personal watercraft, snowmobiles, and off-highway vehicles and the regulation of sales and distribution of personal watercraft, snowmobiles, and off-highway vehicles to the Department of Justice.

Amending sections 23-2-502, 23-2-619, 23-2-803, 23-2-812, 23-2-818, 61-4-101, 61-4-102, 61-4-201, 61-4-402, and 61-4-501, MCA.

Committee Hearing: Senate Business and Industry

Adverse committee report adopted, 49-1.

**SJR 17 Don Hargrove**

*Resolution Supporting Senator Burns Proposed Legislation on Yellowstone Park*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging Congress to enact legislation pertaining to opening and closing dates for Yellowstone National Park entrances, summer and winter activities in the park, and fees for the park.

Committee Hearing: Senate Fish and Game

Tabled in Senate committee.

**HB 84 Sam Kitzenberg**

*Fort Peck-Northeast Montana Interpretive Center*

An Act appropriating \$45,000 from the Accommodation Tax Special Revenue Fund for establishment of the Fort Peck-Northeastern Montana Interpretive Center.

Committee Hearing:

House Appropriations

Tabled in House committee.

Note: The legislature funded this project through HB 5.

**HB 186 Allen Walters**

*Eliminate State Lands Recreational Use Fee*

An Act eliminating the recreational use license and fee assessed against recreational users of state lands.

Amending sections 70-16-302, 77-1-106, 77-1-808, 87-1-504, and 87-1-601, MCA; and repealing sections 77-1-801 and 77-1-802, MCA.

Committee Hearing:

House Fish, Wildlife and  
Parks

Tabled in House committee.

**HB 213 Matt Brainard**

*Allowing for Two-Year Registration for Certain Vehicles*

An Act allowing for a 2-year registration for boats, snowmobiles, off-highway vehicles, and certain motor vehicles; and providing a delayed effective date.

Amending sections 23-2-512, 23-2-518, 23-2-616, 23-2-618, 23-2-803, 23-2-817, 61-3-303, 61-3-311, 61-3-312, 61-3-509, 61-3-524, 61-3-525, and 61-3-526, MCA.

Committee Hearing:

House Transportation

Tabled in House committee.

**HB 226 Alvin Ellis**

*Weed Control Plan Required for Off-Highway Vehicle Grants*

An Act requiring that weed control be addressed as an element of the Off-Highway Vehicle Trail and National Recreation Trail Grant Programs; requiring development by the Department of Fish, Wildlife, and Parks of a weed control plan for off-highway vehicle trails and national recreation trails and coordination of the plan with the Department of Agriculture and County Weed Boards; providing that grants for off-highway vehicle trails and national recreation trails may not be implemented until the requisite weed control plan is in place; clarifying required components of a weed control plan; and requiring certain record keeping and a report on program progress to the 56th Legislature.

Committee Hearing:

House Agriculture

Tabled in House committee.

**HB 232 John Bohlinger**

*Limit Location for Off-Premises Sale by Recreational Vehicle Dealers*

An Act limiting the location of off-premises sales by state recreational vehicle dealers; and establishing conditions for exhibitions by out-of-state recreational vehicle organizations, associations, or corporations.

Amending sections 61-3-301, 61-4-101, and 61-4-102, MCA.

Committee Hearing:

House Business and Labor

Tabled in House committee.

**HB 570 Doug Wagner**

*Referendum to Amend Constitution to Prohibit State Land Recreational License Fee*

An Act submitting to the qualified electors of Montana an amendment to Article X, section 11, of the Montana Constitution to ensure that Montana residents do not need to have a state license or to pay a state fee for general recreational use of state trust lands.

Committee Hearing:

House Fish, Wildlife and  
Parks

Tabled in House committee.

Motion failed to take from committee and place on 2nd reading, 29-71.

## **- State and Public Lands -**

**Passed \***

### **SB 42 \* Al Bishop**

*Allow FWP to Convey Land and Water Interests Through Direct Sales*

An Act allowing the Department of Fish, Wildlife, and Parks, under certain circumstances, to convey department interests in lands and waters through direct sales rather than through a bidding process; and providing an immediate effective date.

Amending section 87-1-209, MCA.

Committee Hearings:

Senate State Administration  
House Fish, Wildlife and  
Parks

Second Reading Votes:

Senate 46-3; House 63-31

Third Reading Votes:

Senate 47-2; House 66-32

### **SB 50 \* Tom Keating**

*Allowing the "Blanket" Assignment, Release, etc. of Oil/Gas/Mineral Leases*

An Act allowing the lessee of an oil, gas, or other mineral lease to make in a single request for recordation the assignment or release of more than one lease; and requiring that a request for the assignment or release of more than one lease be treated as a single request for public recording purposes.

Amending section 82-1-201, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

88 / Land Use

Second Reading Votes:  
Third Reading Votes:

Senate 50-0; House 87-13  
Senate 49-0; House 89-10

**SJR 13 \* Ken Miller**

*Urge Crown Butte Support*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting the efforts of the Governor to develop a proposal that includes federal properties within Montana that can be presented to the federal government as a solution to the land exchange requirements of the Crown Butte agreement and requesting federal compensation for the loss of tax revenue that would have accrued to the State of Montana and its local governments as a result of the Crown Butte project.

Committee Hearings:

Senate State Administration  
House Natural Resources

Second Reading Vote:

Senate 39-11

Third Reading Vote:

Senate 37-12

Tabled in House committee.

Committee report concurred as amended.

Second Reading Vote:

House 63-35

Third Reading Vote:

House 66-33

House amended, Senate concurred, 31-17.

**HB 81 \* Charles DeVaney**

*Revise Oil and Gas Leasing and Taxation Accountability*

An Act generally revising the statutes regarding the leasing of state lands for oil and gas; revising the requirements for oil and gas operations; and providing an immediate effective date.

Amending sections 77-3-423, 77-3-432, 77-3-433, 77-3-435, 77-3-442, 82-11-123, and 82-11-161, MCA; repealing sections 82-11-113, 82-11-114, 82-11-115, 82-11-116, and 82-11-162, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 95-5; Senate 50-0

Third Reading Votes:

House 97-3; Senate 50-0

**HB 212 \* Bob Raney**

*Establish Island Parks and Limit Development*

An Act providing for river and lake island parks on state-owned or state-leased island property in navigable rivers, streams, and lakes; limiting development of island parks; and providing an immediate effective date.

Committee Hearings:

House Fish, Wildlife and  
Parks  
Senate Fish and Game

Second Reading Votes:

House 63-37; Senate 28-21

Third Reading Votes:

House 58-38; Senate 32-17

Senate amended, House concurred, 67-29.

**HB 344 \* Ray Peck**

*Revise Procedures for University System Land Transactions*

An Act revising the procedures for university system land transactions; and clarifying that proposed land transactions must comply with the requirements of the Montana Environment Policy Act and with Montana antiquities laws.

Amending section 20-25-307, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 98-0; Senate 45-4

Third Reading Votes:

House 100-0; Senate 41-8

Senate amended, House concurred, 96-0.

**HB 376 \* Joe Tropila**

*Public Hearings to Be Held in Impacted Area*

An Act increasing public input into state agency decisions by requiring a public hearing held for an action that directly impacts a specific community or area to be held in an accessible facility in the impacted community or area; and excepting the Board of Regents.

Amending sections 2-3-111, 16-4-202, and 75-10-924, MCA.

Committee Hearings:	House State Administration Senate State Administration
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Second Reading Votes:	House 94-5; Senate 48-1
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Third Reading Votes:	House 94-5; Senate 41-6
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Senate amended, House concurred, 91-5.

**HB 551 \* Larry Hal Grinde**

*Penalty for Installing Unauthorized Structure on State Trust Land*

An Act providing a penalty for installation or construction of a facility or structure on state trust land by a person other than a lessee without permission of the Department of Natural Resources and Conservation; allowing the department to require the removal of the facility or structure, reclamation of disturbed state trust land, payment for removal and reclamation, or payment for an easement, lease, or license in lieu of removal; and providing an effective date.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 91-9; Senate 48-0
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Third Reading Votes:	House 92-7; Senate 49-1
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**HB 607 \* Larry Hal Grinde**

*Require DNRC to Issue Historic Right-of-Way Deeds*

An Act providing for the issuance of historic right-of-way deeds by the Department of Natural Resources and Conservation granting nonexclusive easements for historic uses of state lands for rights-of-way; providing for the criteria for issuance of the deeds and the terms of the deeds; requiring payment of a fee and the value of the historic right-of-way; providing a statutory appropriation; and providing a termination date.

Amending section 17-7-502, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 95-4; Senate 48-0
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Third Reading Votes:	House 93-7; Senate 50-0
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Senate amended, House concurred, 91-9.

**HJR 13 \* Aubyn Curtiss**

*Resolution Urging Congress to Amend Grand Staircase-Escalante Monument*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging Congress to amend President Clinton's unilateral action in designating the Grand Staircase--Escalante National Monument; urging Congress to require negotiation with the states and a stronger consideration of the social and economic consequences in the designation of national monuments and wilderness areas; and requiring the Secretary of State to transmit copies of the Grand Staircase--Escalante National Monument resolution.

Committee Hearings:	House State/Federal Relations Senate State Administration
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Second Reading Votes:	House 65-34; Senate 33-17
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Third Reading Votes:	House 64-36; Senate 33-17
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Senate amended, House concurred, 63-36.



## **Failed**

### **SB 143 Daryl Toews**

#### *Way of Necessity for Access to Parcel With No Legal Access*

An Act authorizing a condemnation of a way of necessity for access to land to which there is no other legal access.

Committee Hearings:

Senate Judiciary

Tabled in Senate committee.

### **SB 149 Al Bishop**

#### *Revise Recreational and Commercial Use of Public Waters*

An Act providing for regulation of the recreational use of Montana's public waters in certain cases by allowing the Fish, Wildlife, and Parks Commission and the Board of Outfitters to adopt and enforce rules to address impacts caused by recreational users, to preserve a diversity of recreational opportunities, to minimize recreational user conflicts, or to protect the public health, public safety, or property; and providing an immediate effective date.

Amending sections 37-47-201 and 87-1-303, MCA.

Committee Hearings:

Senate Fish and Game  
House Fish, Wildlife and  
Parks

Second Reading Votes:

Senate 28-18

Third Reading Votes:

Senate 26-21

Tabled in House committee.

### **SB 323 John Hertel**

#### *Revise Conservation Easement Law*

An Act prohibiting preferential and discriminatory practices or impairment of adjacent landowner vested rights through furtherance of public voluntary

easement, voluntary hunting access, and other land and easement acquisition programs; and providing an immediate effective date.

Amending sections 76-6-203 and 87-1-265, MCA.

Committee Hearing: Senate Natural Resources

Tabled in Senate committee.

### **SB 359 Daryl Toews**

*Potential Sale of State Land in Daniels County; Funds to Assist Exchanges*

An Act requiring the Department of Natural Resources and Conservation to offer for sale certain state land in Daniels County; creating new trust land replacement accounts, directing proceeds from the lands sold in Daniels County to the new accounts, and specifying the general use of account funds; providing conditions of sale for the lands to be offered for sale in Daniels County, unless the conditions do not meet the constitutional requirements regarding sale of state lands; and providing an immediate effective date.

Amending sections 77-2-301, 77-2-303, 77-2-307, 77-2-329, and 77-2-343, MCA.

Committee Hearings: Senate State Administration  
House Natural Resources

Second Reading Vote: Senate 33-17

Third Reading Vote: Senate 33-17

Tabled in House committee.

### **SB 380 Gerry Devlin**

*In Re State Land Leases: Expiration Notice; Renewal Forms; Fee Revision, etc.*

An Act prohibiting the Department of Natural Resources and Conservation from charging a lessee of certain state land a fee for exercising the lessee's lease renewal preference right; clarifying the procedure by which a lessee of state land must be notified of a lease expiration; requiring a state land

lessee to notify the Department of Natural Resources and Conservation of the lessee's desire to renew a lease; establishing that any fee charged to a lessee by the Department of Natural Resources and Conservation to administer the renewal of a lease must be deducted from the lease payment; and providing an effective date.

Amending sections 77-1-302, 77-6-204, and 77-6-205, MCA.

Committee Hearing: Senate Natural Resources

Tabled in Senate committee.

**SR 2 Tom Keating**

*Urge Unappropriated Federal Lands to be Transferred to the States*

A Resolution of the Senate of the State of Montana to urge the United States Congress to transfer to the states federally controlled property held within states admitted to the Union after 1802.

Committee Hearing: Senate State Administration

Tabled in Senate committee.

**HB 181 William Rehbein**

*Limit Some Conservation Easements to a Term of Years*

An Act limiting the duration of conservation easements granted to public bodies to a term of 5 or more years.

Amending sections 76-6-103, 76-6-202, 76-6-208, and 77-2-319, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.

## **HB 236 Bob Raney**

### *Maintenance Priority for State Parks and Fishing Access Sites*

An Act revising the mission of the Department of Fish, Wildlife, and Parks to clarify that maintenance of present state parks and fishing access sites has priority over improvement and development of those parks and sites; defining "maintenance"; requiring that certain expenditures for improvement and development of state parks and fishing access sites be approved by the legislature; and providing an applicability date.

Amending sections 23-1-110, 23-2-101, 23-2-103, 87-1-209, and 87-1-605, MCA.

Committee Hearing:	House Fish, Wildlife and Parks
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Tabled in House committee.  
Passed from committee as amended.

Second Reading Votes:	House 59-41
Third Reading Votes:	House 39-61

## **HB 269 Dick Knox**

### *Revising State Agriculture/Grazing Leases: Deposit; Require Cash Rental; Cancellations*

An Act revising the method of determining the bid deposit for leasing state grazing and agricultural lands; revising the method of leasing state grazing and agricultural lands; requiring cash leasing; allowing for reinstatement of leases canceled for nonpayment; and providing an effective date and an applicability date.

Amending sections 77-6-203, 77-6-501, and 77-6-506, MCA.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
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Second Reading Vote:	House 90-8
Third Reading Vote:	House 92-7

Tabled in Senate committee.

### **HB 315 Billie Krenzler**

#### *Posting Notice of Sale of Certain Public Property in 3 Public Places, Not 5*

An Act changing from five to three the number of public places in which a notice of public sale of certain County property must be posted.

Amending section 7-8-2217, MCA.

Committee Hearings:

Senate Local Government  
House Local Government

Second Reading Votes:

House 86-14

Third Reading Votes:

House 84-16

Tabled in Senate committee.

### **HB 413 Dick Knox**

#### *Hunting and Fishing Law Violator's Ethics Education Program*

An Act establishing a hunting and fishing law violator education pilot program for individuals whose hunting or fishing licenses have been suspended or revoked, violators who injure persons or property in state parks and on state lands, violators who commit the offense of criminal trespass, and violators who negligently or recklessly operate a motorboat; allowing a sentencing court to order public community service in addition to other fines and penalties; allowing the Department of Fish, Wildlife, and Parks to make rules governing administration of the pilot program; requiring that a course be completed before a license may be reissued; allowing the department to approve and certify private entities to conduct the course; requiring the department to evaluate the program's effectiveness and report its findings to the 1999 Legislature; and providing effective dates and a termination date.

Committee Hearings:

House Fish, Wildlife and  
Parks  
Senate Fish and Game

Second Reading Vote:

House 80-19

Third Reading Vote:

House 79-20

Tabled in Senate committee.

#### **HB 482 Diane Sands**

##### *Prohibit Use of Word "Squaw" for Public Areas and Features*

An Act requiring state landholding and land managing agencies to compile a list of all geographic features and places under their jurisdiction and identify those using the word "squaw"; and requiring the agencies to remove the word "squaw" from any maps, signs, and markers whenever agencies update maps or replace signs and markers because of wear or vandalism.

Committee Hearings:

House Fish, Wildlife and  
Parks

Tabled in House committee.

Motion failed to take from committee and place on 2nd reading, 44-54.

Died in committee.

#### **HB 497 Hal Harper**

##### *Revise Natural Areas Laws*

An Act providing that certain funds from the lodging facility use tax be transferred to the natural areas account for the purchase of development rights to state lands to protect certain values associated with those lands; and providing an effective date.

Amending sections 15-65-121 and 76-12-123, MCA.

Committee Hearings:

House Taxation

Missed transmittal deadline.

Died in committee.

#### **HJR 11 Rick Jore**

##### *Oppose Delegating Federal Program Management to Indians*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana expressing opposition to the federal government contracting, compacting, or delegating to Indian tribes management

authority for the National Bison Range and other programs not established specifically for American Indians.

Committee Hearings:

House State/Federal  
Relations

Tabled in House committee.

## **- Takings/Private Property Rights -**

### **Passed \***

#### **HJR 25 \* Matt Brainard**

*Resolution Urging Congress to Oppose Treaties Infringing on Property Rights*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana urging Congress to reaffirm its power over international agreements that concern the use and management of land and resources belonging to the United States, the individual states, and the people.

Committee Hearings:

House State/Federal  
Relations  
Senate State Administration

Second Reading Votes:

House 65-32; Senate 31-19

Third Reading Votes:

House 66-34; Senate 32-18

Senate amended, House concurred, 68-32.

### **Failed**

#### **SB 132 Ken Mesaros**

*Require Landowner Permission to Enter Land and for All Hunting/Certain Fishing*

An Act requiring a person who desires to enter or remain upon land to obtain the explicit permission of the landowner or other authorized person,

except for certain incidental purposes; eliminating the provision that permission to enter land is extended by failure to post notice denying entry; and providing that landowner permission is required for entry onto private property for all hunting and certain fishing.

Amending sections 45-6-201 and 87-3-304, MCA.

Committee Hearings:	Senate Agriculture, Livestock and Irrigation House Agriculture
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Second Reading Votes:	Senate 31-19; House 49-51
Third Reading Vote:	Senate 30-20

Motion failed in House to reconsider previous action (2nd reading vote), 44-54.

### **HB 306 Aubyn Curtiss**

#### *Compensation for Rule or Ordinance Reducing Real Property Value*

An Act providing for compensation for the owner of real property the fair market value of which is substantially and disproportionately reduced by the application of an existing, new, or amended state government rule or local government entity ordinance; and providing for an exemption from application of the rule or ordinance.

Committee Hearings:	House Judiciary Senate Judiciary
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Tabled in House committee.  
Passed from committee as amended.

Second Reading Votes:	House 60-40
Third Reading Votes:	House 59-41

Tabled in Senate committee.



## **- Land Use/Other -**

**Passed \***

**SB 309 \* Dale Mahlum**

*Allow Four Business Signs on One Specific Information Sign*

An Act allowing the placement of not more than four business signs on one specific information sign for qualifying businesses; and providing an immediate effective date.

Amending section 60-5-512, MCA.

Committee Hearings:

Senate Highways and  
Transportation  
House Business and Labor

Second Reading Votes:

Senate 50-0; House 96-4

Third Reading Votes:

Senate 50-0; House 93-7

# Mineral Development

## - Exploration, Operation and Reclamation -

Passed \*

### SB 50 \* Tom Keating

*Allowing the "Blanket" Assignment, Release, etc. of Oil/Gas/Mineral Leases*

An Act allowing the lessee of an oil, gas, or other mineral lease to make in a single request for recordation the assignment or release of more than one lease; and requiring that a request for the assignment or release of more than one lease be treated as a single request for public recording purposes.

Amending section 82-1-201, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 50-0; House 87-13

Third Reading Votes:

Senate 49-0; House 89-10

### SB 325 \* William Crismore

*Allow Noncoal Mine Inspections by the Federal Government Only, Except for Sand and Gravel Operations*

An Act prohibiting the Montana Department of Labor and Industry from inspecting metallic and nonmetallic noncoal mines, other than sand and gravel operations, as long as the federal mine safety and health laws are implemented and enforced in Montana by the federal government; and providing a delayed effective date.

Amending sections 50-71-321, 50-72-201, and 50-72-202, MCA.

Committee Hearings:

Senate Labor and Employee  
Relations  
House State Administration

Second Reading Votes:

Senate 48-2; House 88-11

Third Reading Votes:

Senate 45-5; House 66-34

House amended, Senate concurred, 49-1.

### **SJR 13 \* Ken Miller**

#### *Urge Crown Butte Support*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana supporting the efforts of the Governor to develop a proposal that includes federal properties within Montana that can be presented to the federal government as a solution to the land exchange requirements of the Crown Butte agreement and requesting federal compensation for the loss of tax revenue that would have accrued to the State of Montana and its local governments as a result of the Crown Butte project.

Committee Hearings:

Senate State Administration  
House Natural Resources

Second Reading Vote:

Senate 39-11

Third Reading Vote:

Senate 37-12

Tabled in House committee.

Passed from committee as amended.

Second Reading Vote:

House 63-35

Third Reading Vote:

House 66-33

House amended, Senate concurred, 31-17.

### **HB 69 \* Toni Hagener**

#### *Change Trustee of Unlocated Mineral Trusts from Court Clerk to Revenue Department*

An Act substituting the Department of Revenue for District Clerks of Court as trustee of trusts for unlocatable mineral owners.

Amending sections 82-1-302, 82-1-304, 82-1-305, and 82-1-306, MCA.

Committee Hearings: House Local Government  
Senate Local Government

Second Reading Votes: House 63-32, Senate 49-1  
Third Reading Votes: House 79-19; Senate 49-1

**HB 81 \* Charles DeVaney**

*Revise Oil and Gas Leasing and Taxation Accountability*

An Act generally revising the statutes regarding the leasing of state lands for oil and gas; revising the requirements for oil and gas operations; and providing an immediate effective date.

Amending sections 77-3-423, 77-3-432, 77-3-433, 77-3-435, 77-3-442, 82-11-123, and 82-11-161, MCA; repealing sections 82-11-113, 82-11-114, 82-11-115, 82-11-116, and 82-11-162, MCA.

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 95-5; Senate 49-1  
Third Reading Votes: House 97-3; Senate 49-1

**HB 110 \* Emily Swanson**

*Appropriate Money for Natural Resource Damage Litigation in the Clark Fork*

An Act appropriating money to the Department of Justice for technical, legal, and administrative activities for the State of Montana natural resource damage litigation in the Clark Fork River Basin, extending repayment and providing for interest on previous loans; requiring a contract between the department and the state treasurer in order to effectuate the appropriation; transferring the fund balance in certain federal special revenue accounts to the state special revenue fund; and providing an immediate effective date.

Committee Hearings: House Appropriations  
Senate Finance and Claims

Second Reading Votes: House 78-22; Senate 38-8  
Third Reading Votes: House 71-28; Senate 45-4

**HB 154 \* Lila Taylor**

*Generally Revise the Strip Mine Act*

An Act generally revising the Montana Strip and Underground Mine Reclamation Act; requiring underground coal mine permittees to compensate for certain property damage caused by subsidence; requiring replacement of a water supply that is contaminated, diminished, or interrupted by underground coal mining operations; providing that an operating permit is required for all underground injection mining of uranium; clarifying prospecting permit requirements; modifying revegetation requirements; and providing effective dates and a retroactive applicability date.

Amending sections 82-4-203, 82-4-226, 82-4-233, and 82-4-235, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 96-2; Senate 49-0
Third Reading Votes:	House 96-2; Senate 50-0

**HB 383 \* Dick Knox**

*Providing Discretionary Civil Penalties for Mining Operations*

An Act revising the civil penalty provisions of the Metal Mine Reclamation Act and the Opencut Mining Act; granting discretion to the Department of Environmental Quality in instituting civil penalty actions; providing criteria for exercising the department's civil penalty action discretion and for determining civil penalty amounts; and providing an immediate effective date and an applicability date.

Amending sections 82-4-361 and 82-4-441, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 95-3; Senate 49-0
Third Reading Votes:	House 96-4; Senate 49-1

### **HB 395 \* Duane Grimes**

#### *Special Venue for Legal Challenges Under the Metal Mine Reclamation Act*

An Act specifying the venue for actions brought by third parties to enforce compliance with the metal mine reclamation laws and for actions brought by the Department of Environmental Quality for recovery of civil penalties or injunctive relief under the metal mine reclamation laws.

Amending sections 82-4-354 and 82-4-361, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 62-35; Senate 34-13
Third Reading Votes:	House 62-38; Senate 37-13

Senate amended, House concurred, 66-30.

### **HB 437 \* Haley Beaudry**

#### *Revise Metal Mine Reclamation Law for Small Miners and Recreational Miners*

An Act revising provisions of the metal mine reclamation law pertaining to small miners and recreational miners; revising the small miner definition; requiring soil materials salvage by small miners who engage in placer or dredge mining; increasing the maximum bond for small miners; revising exemptions for recreational and hobby miners; and providing an immediate effective date and applicability dates.

Amending sections 82-4-303, 82-4-305, and 82-4-310, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 66-32; Senate 47-0
Third Reading Votes:	House 66-34; Senate 48-2

## **Failed**

### **SB 322 Lorents Grosfield**

#### *Establish Abandoned Mine Reclamation as Priority for Grants*

An Act establishing abandoned mine reclamation as a priority for reclamation and development grants; and providing an effective date.

Amending section 90-2-1113, MCA.

Committee Hearing: Senate Natural Resources

Second Readings Vote: Senate 24-25

### **SB 346 Bea McCarthy**

#### *Establish Natural Resource Damage Board to Allocate Funds*

An Act establishing the Upper Clark Fork River Basin Natural Resource Damage Board; establishing an Upper Clark Fork River Basin Natural Resource Damage Board account; providing for the Upper Clark Fork River Basin Natural Resource Damage Board to allocate funds from the Upper Clark Fork River Basin natural resource damage lawsuit; and providing a contingent effective date.

Committee Hearing: Senate Natural Resources

Tabled in Senate committee.

### **SB 397 Lorents Grosfield**

#### *Revising School Finance Calculation Laws and Mineral Tax Base Sharing Laws*

An Act revising school laws to allow, if approved, the use of anticipated enrollment figures in the calculation of a district's guaranteed tax base ratio when the district is subject to an unusual enrollment increase because of large-scale mineral development or other population infusion; revising the property tax prepayment and property tax base sharing laws to provide tax crediting mechanisms for large-scale mineral developments; and providing an effective date.

Amending sections 20-9-314, 20-9-366, 90-6-309, and 90-6-404, MCA.

Committee Hearing: Senate Taxation

Second Reading Vote: Senate 23-26

### **SJR 7 Tom Keating**

#### *Forest Plan Oil and Gas Leasing Resolution*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting Congress to require the United States Forest Service to redraft and correct the deficiencies in the *Lewis and Clark National Forest Oil and Gas Leasing Draft Environmental Impact Statement, July 1996* or to select Alternative 3 in the Final Record of Decision.

Committee Hearing: Senate Natural Resources

Missed transmittal deadline.  
Died in committee.

### **HB 284 Karl Ohs**

#### *Certain Penalties to Create a Remediation Account*

An Act establishing in the State Special Revenue Fund an Environmental Rehabilitation and Prevention Account; dedicating certain fines and penalties to the account; dedicating certain unclaimed or excess reclamation bond funds to the account or to mining and reclamation accounts; providing that funds be appropriated to the Department of Environmental Quality for certain purposes; and providing an effective date and a termination date.

Amending sections 70-9-301, 75-2-412, 75-2-413, 75-2-427, 75-3-407, 75-5-634, 75-6-109, 75-6-114, 75-10-417, 75-10-418, 75-10-423, 75-10-424, 75-10-542, 82-4-141, 82-4-241, 82-4-311, 82-4-424, and 82-4-426, MCA.

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 84-14; Senate 49-0  
Third Reading Votes: House 86-13; Senate 46-4



Senate amended, House concurred, 83-13.  
Governor vetoed.  
Veto override failed: House 57-43, Senate 17-31.

### **HB 475 John Cobb**

*Require DEQ to Require Assessment of Use of Microbes in EIS for Metal Mines*

An Act requiring the Department of Environmental Quality to include in environmental impact statements for new or expanded hard-rock mining operations a reasonable assessment of the feasibility of using microbial technology as an alternative to traditional methods of mineral extraction, mineral recovery, and related management of environmental risk; and providing an immediate effective date and an applicability date.

Amending sections 82-4-302 and 82-4-322, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.

## **- Local Impact Mitigation -**

**Passed \***

### **SB 223 \* Mack Cole**

*Clarify Authority of Coal Board to Assist Local Governments*

An Act clarifying the authority of the Montana Coal Board to assist local governmental units in providing services necessitated by a significant decline in coal mining or in the consumption of coal by coal-using energy complexes; eliminating the Coal Board's authority to make loans to local governmental units; and providing an effective date.

Amending sections 90-6-201, 90-6-205, 90-6-206, 90-6-207, 90-6-208, and 90-6-209, MCA; repealing section 90-6-212, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes:  
Third Reading Votes:

Senate 49-0; House 83-15  
Senate 50-0; House 89-10

## Failed

### **SB 397 Lorents Grosfield**

#### *Revising School Finance Calculation Laws and Mineral Tax Base Sharing Laws*

An Act revising school laws to allow, if approved, the use of anticipated enrollment figures in the calculation of a district's guaranteed tax base ratio when the district is subject to an unusual enrollment increase because of large-scale mineral development or other population infusion; revising the property tax prepayment and property tax base sharing laws to provide tax crediting mechanisms for large-scale mineral developments; and providing an effective date.

Amending sections 20-9-314, 20-9-366, 90-6-309, and 90-6-404, MCA.

Committee Hearing:

Senate Taxation

Second Reading Vote:

Senate 23-26

# **Solid and Hazardous Waste and Hazardous Materials Management**

## **- Hazardous Materials Management -**

**Passed \***

**SB 377 \* Lorents Grosfield**

*Generally Revise CECRA, Orphan Shares*

An Act generally revising the laws relating to the state Comprehensive Environmental Cleanup and Responsibility Act; providing an optional procedure for allocating liability for site remediation; creating an Orphan Share Fund Account and allocating certain Resource Indemnity Trust Interest and Tax proceeds, Metalliferous Mine Tax proceeds, and other money to the account; providing for citizen suits; providing exclusions from liability; providing additional and specific rulemaking authority; amending provisions and extending the termination date of the Mixed Funding Pilot Program; and providing effective dates and a termination date.

Amending sections 15-37-117, 15-38-106, 15-38-202, 75-10-701, 75-10-702, 75-10-704, 75-10-715, 75-10-719, 75-10-720, and 75-10-724, MCA, and Sections 16, 18, and 27, Chapter 584, Laws of 1995.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 47-3; House 96-4

Third Reading Votes:

Senate 46-3; House 95-5

House amended, Senate concurred, 49-1.

## **HB 110 \* Emily Swanson**

### *Appropriate Money for Natural Resource Damage Litigation in the Clark Fork*

An Act appropriating money to the Department of Justice for technical, legal, and administrative activities for the State of Montana natural resource damage litigation in the Clark Fork River Basin, extending repayment and providing for interest on previous loans; requiring a contract between the department and the state treasurer in order to effectuate the appropriation; transferring the fund balance in certain federal special revenue accounts to the state special revenue fund; and providing an immediate effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
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Second Reading Votes:	House 78-22; Senate 38-8
Third Reading Votes:	House 71-28; Senate 45-4

## **HB 118 \* Ed Grady**

### *Clarify Remediation Contract Procedures*

An Act providing that certain procurement statutes regarding state buildings and construction do not apply to environmental remediation and abandoned mine reclamation projects; and providing an immediate effective date.

Amending section 18-2-101, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 99-1; Senate 50-0
Third Reading Votes:	House 99-0; Senate 50-0

Senate amended, House concurred, 96-1.

**HB 152 \* Ed Grady**

*Recodify Underground Storage Tank Laws*

An Act separating the Montana Hazardous Waste and Underground Storage Tank Act into two acts by transferring the underground storage tank provisions into a separate act.

Amending sections 75-2-216, 75-10-401, 75-10-402, 75-10-403, 75-10-404, 75-10-405, 75-10-409, 75-10-410, 75-10-411, 75-10-413, 75-10-415, 75-10-416, 75-10-420, 75-10-423, 75-10-424, 75-11-203, 75-11-302, and 75-11-309, MCA; and repealing section 75-10-210, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
Second Reading Votes:	House 91-6; Senate 50-0
Third Reading Votes:	House 94-4; Senate 50-0

**HB 214 \* Ed Grady**

*Revise Petroleum Tank Release Compensation Law*

An Act revising the funding and cost reimbursement provisions of the Petroleum Tank Release Compensation laws; clarifying and imposing limitations on cost reimbursement; authorizing loans by the Board of Investments to the Petroleum Tank Release Compensation Board; pledging the petroleum storage tank cleanup fees for loan repayment; and providing an effective date.

Amending sections 75-11-307, 75-11-313, and 75-11-318, MCA.

Committee Hearings:	House Natural Resources Senate Business and Industry
Second Reading Votes:	House 61-39; Senate 29-21
Third Reading Votes:	House 60-40; Senate 36-14

## **HB 224 \* Sam Kitzenberg**

### *Revise Farm and Ranch Fuel Tank Requirements*

An Act amending fire and safety requirements for fuel tanks on farms and ranches; providing for written warning notices for farm and ranch tank violations; and providing an immediate effective date.

Amending section 50-3-103, MCA.

Committee Hearings:

House Agriculture  
Senate Agriculture, Livestock  
and Irrigation

Tabled in House committee.

Passed out of committee.

Second Reading Votes:

House 74-23; Senate 49-0

Third Reading Votes:

House 77-22; Senate 47-2

## **HB 225 \* Sam Kitzenberg**

### *Allowing Aboveground Tanks in Small Communities*

An Act allowing the installation of aboveground storage tanks in small communities; and providing an immediate effective date.

Amending section 50-3-103, MCA.

Committee Hearings:

House Natural Resources  
Senate Business and  
Industry

Second Reading Votes:

House 98-1; Senate 47-3

Third Reading Votes:

House 99-1; Senate 50-0

## **HB 288 \* Karl Ohs**

### *Revise Liability for Voluntary Donated Remediation*

An Act clarifying the liability provisions for persons who make voluntary contributions to a specific remediation account; and providing an immediate

effective date and a retroactive applicability date.

Amending section 75-10-704, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 99-1; Senate 50-0
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Third Reading Votes:	House 97-2; Senate 50-0
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### **HB 361 \* Hal Harper**

#### *Require Notice of Pesticide Application in Public Buildings*

An Act requiring notice of the application or use of indoor pesticides to be posted for public buildings.

Amending section 80-8-107, MCA.

Committee Hearings:	House State Administration Senate State Administration
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Second Reading Votes:	House 68-30; Senate 29-21
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Third Reading Votes:	House 64-35; Senate 26-24
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Senate amended, House concurred, 69-26.

### **HB 486 \* Carley Tuss**

#### *Revising the Definition of Underground Storage Tank*

An Act eliminating certain underground pipes from the definition of "underground storage tank" in the hazardous waste and underground storage tank laws; and providing an immediate effective date.

Amending section 75-10-403, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 93-2; Senate 47-0
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Third Reading Votes:	House 99-1; Senate 48-1
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## **HB 524 \* Shiell Anderson**

### *Revise Superfund Remediation Law*

An Act generally revising remediation requirements for hazardous and deleterious substances; providing that a person liable for remedial action have the opportunity to respond prior to remedial action being initiated by the state; clarifying the process for when state orders may be issued; eliminating the requirement for agreements to be filed in district court as consent decrees; increasing eligibility for sites submitting voluntary remediation plans; providing for appeal of agency decisions regarding remediation plans; authorizing the Department of Environmental Quality to adopt rules for the joint selection of remedial action contractors; and providing an immediate effective date and an applicability date.

Amending sections 75-10-711, 75-10-723, 75-10-732, and 75-10-736, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 66-34; Senate 34-12

Third Reading Votes:

House 66-34; Senate 38-10

Senate amended, House concurred, 64-34.

## **HB 584 \* Dick Knox**

### *Creating an Orphan Share Special Revenue Account*

An Act creating an Orphan Share Account for Comprehensive Environmental Cleanup and Responsibility Act sites; allocating Resource Indemnity Trust interest and tax proceeds and Metal Mines License Tax proceeds to the Orphan Share Account; appropriating funds to the Department of Environmental Quality for reimbursements and orphan share defense costs from the Orphan Share Account; and providing effective dates and a termination date.

Amending sections 15-37-117, 15-38-106, and 15-38-202, MCA.

Committee Hearings:

House Appropriations  
Senate Finance and Claims



Second Reading Votes:

House 72-23; Senate 50-0

Third Reading Votes:

House 79-21; Senate 47-3

Senate amended, House did not concur, 92-5.

Conference committee report adopted: House 84-13, Senate 45-2.

## **Failed**

### **SB 346 Bea McCarthy**

#### *Establish Natural Resource Damage Board to Allocate Funds*

An Act establishing the Upper Clark Fork River Basin Natural Resource Damage Board; establishing an Upper Clark Fork River Basin Natural Resource Damage Board account; providing for the Upper Clark Fork River Basin Natural Resource Damage Board to allocate funds from the Upper Clark Fork River Basin natural resource damage lawsuit; and providing a contingent effective date.

Committee Hearing:

Senate Natural Resources

Tabled in Senate committee.

### **HB 284 Karl Ohs**

#### *Certain Penalties to Create a Remediation Account*

An Act establishing in the State Special Revenue Fund an Environmental Rehabilitation and Prevention Account; dedicating certain fines and penalties to the account; dedicating certain unclaimed or excess reclamation bond funds to the account or to mining and reclamation accounts; providing that funds be appropriated to the Department of Environmental Quality for certain purposes; and providing an effective date and a termination date.

Amending sections 70-9-301, 75-2-412, 75-2-413, 75-2-427, 75-3-407, 75-5-634, 75-6-109, 75-6-114, 75-10-417, 75-10-418, 75-10-423, 75-10-424, 75-10-542, 82-4-141, 82-4-241, 82-4-311, 82-4-424, and 82-4-426, MCA.

Committee Hearings:

House Natural Resources

Senate Natural Resources

Second Reading Votes:

House 84-14; Senate 49-0

Third Reading Votes:

House 86-13; Senate 46-4

Senate amended, House concurred, 83-13.

Governor vetoed.

Veto override failed: House 57-43, Senate 17-31.

## **HJR 20 Sylvia Bookout-Reineke**

### *Joint Resolution Urging the Cessation of Processes that Result in Dioxins*

A Joint Resolution of the Senate and the House of Representatives of the State of Montana encouraging that Montana industries using chlorine processes that result in the formation of dioxins phase out the use of chlorine as industrial feedstocks by the year 2020 and that the Department of Environmental Quality and the Environmental Quality Council be requested to identify affected industries, operations, and businesses and to examine the options for reducing or eliminating the use of chlorine processes that result in dioxin byproducts.

Committee Hearing:

House Natural Resources

Tabled in House committee.

## **- Hazardous Waste -**

**Passed \***

### **HB 162 \* Matt Denny**

#### *Hazardous Waste Facility Permit Fee Disposition*

An Act requiring that fees collected for the registration of hazardous waste generators and fees for the reissuance or modification of permits for hazardous waste management facilities be placed in the Hazardous Waste Fee account within the State Special Revenue Fund; and providing an effective date.

Amending section 75-10-434, MCA.

Committee Hearings:

House Natural Resources  
Senate Natural Resources

Second Reading Votes:

House 63-35; Senate 50-0

Third Reading Votes:

House 65-32; Senate 50-0

## **-Solid Waste -**

**Passed \***

### **SB 315 \* Bea McCarthy**

*Modify Definition of "Container Site"; Define the Term "Transfer Station"*

An Act modifying the definition of "container site"; defining the term "transfer station"; and providing an effective date.

Amending section 75-10-103, MCA.

Committee Hearings:

Senate Local Government  
House Natural Resources

Second Reading Votes:

Senate 50-0; House 100-0

Third Reading Votes:

Senate 50-0; House 99-1

House amended, Senate concurred, 50-0.

### **SB 332 \* Ken Miller**

*Require Waste Tire Disposal Sites to Provide Financial Assurance of Proper Management*

An Act requiring solid waste management facilities licensed primarily as waste tire disposal sites to provide financial assurance to guarantee the proper management and disposal of waste tires; requiring a study of issues regarding waste tires; and providing an effective date and an applicability date.

Amending sections 75-10-203 and 75-10-204, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 50-0; House 77-23

Third Reading Votes:

Senate 50-0; House 77-22

House amended, Senate concurred, 48-2.

**SB 336 \* Mike Halligan**

*Extend Recycling Tax Credit Termination Date*

An Act extending the termination date for the income and corporate tax credit for recycling of material; and providing an immediate effective date.

Amending section 5, chapter 542, laws of 1995.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 48-2; House 93-6

Third Reading Votes:

Senate 41-3; House 92-6

**HB 160 \* Bill Tash**

*Junk Vehicle Administrative Orders*

An Act providing administrative enforcement for violations of the junk vehicle and motor vehicle wrecking facility laws; authorizing facility license suspension or denial for violation of an order; authorizing facility license revocation for violation of a suspension order; and providing an immediate effective date.

Amending section 75-10-514, MCA.

Committee Hearings:

House Natural Resources  
Senate Local Government

Second Reading Votes:

House 91-8; Senate 40-1

Third Reading Votes:

House 90-10; Senate 48-0

## **Failed**

### **SB 253 J. D. Lynch**

#### *Revising Solid Waste Definition*

An Act removing construction and demolition wastes from the definition of "solid waste" in the Montana Solid Waste Management Act; and providing an immediate effective date.

Amending section 75-10-203, MCA.

Committee Hearings:

Senate Natural Resources

Tabled in Senate committee.

### **HB 531 Emily Swanson**

#### *Revising Junk Vehicle Program*

An Act clarifying county motor vehicle recycling and disposal program responsibilities; specifying that junk vehicle fluid removal must be funded by junk vehicle revenue; increasing the annual payment to counties for junk vehicle programs; allowing the Department of Environmental Quality to increase the annual county payment; and providing an effective date and a termination date.

Amending sections 75-10-521, 75-10-532, and 75-10-534, MCA.

Committee Hearings:

House Natural Resources  
Senate Local Government

Second Reading Votes:

House 73-27; Senate 40-9

Third Reading Votes:

House 69-31; Senate 40-10

Senate amended, House concurred, 76-22.

Governor vetoed.

Veto override failed: House 55-45, Senate 17-33.

# Taxation of Minerals and Allocation of Mineral Revenues

## - Noncoal Mineral Tax Rates -

### Failed

#### SB 122 Delwyn Gage

##### *Making the Operator Personally Liable for Payment of Oil and Gas Taxes*

An Act making operators personally liable for the payment of oil and natural gas production taxes; requiring operators to deduct taxes from all other owners; and providing an effective date.

Amending section 15-36-310, MCA.

Committee Hearing:

Senate Taxation

Tabled in Senate committee.

#### SB 267 Tom Keating

##### *Revising RIT Funding Structure*

An Act revising the disposition of the Metalliferous Mines License Taxes; limiting the uses of spendable revenue from the Resource Indemnity Trust; eliminating the diversion of Resource Indemnity and Ground Water Assessment Tax proceeds; eliminating a statutory appropriation of interest income to Montana State University-Northern; reallocating the interest income from the Resource Indemnity Trust fund; creating a resource interest account; and providing an effective date.

Amending sections 7-6-2225, 7-6-2226, 15-37-117, 15-38-102, 15-38-106, 15-38-202, 17-7-502, 20-9-231, 75-10-621, 75-10-704, 82-11-161, 85-1-604, 85-1-615, and 85-2-905, MCA; repealing sections 15-38-203, 85-1-631, 90-2-1101, 90-2-1102, 90-2-1103, 90-2-1104, 90-2-1105, 90-2-1111, 90-2-1112, 90-2-1113, 90-2-1114, and 90-2-1121, MCA.

Committee Hearing:

Senate Finance and Claims

Tabled in Senate committee.

### **SB 306 Tom Keating**

*Repeal of the Resource Indemnity Trust Tax Once the Trust Reaches \$100 Million*

An Act repealing the Resource Indemnity Trust Tax when the Resource Indemnity Trust Fund reaches \$100 million; reducing and reallocating Metalliferous Mines License Taxes; reducing and reallocating the Oil and Gas Production Taxes; and providing effective dates.

Amending sections 7-6-2225, 7-6-2226, 7-7-2101, 7-7-2203, 7-14-2524, 7-14-2525, 7-16-2327, 15-1-501, 15-36-304, 15-36-324, 15-37-103, 15-37-117, 15-38-103, 15-38-202, 20-9-231, 85-1-604, 85-2-905, and 90-2-1104, MCA; repealing sections 15-38-104, 15-38-105, 15-38-106, 15-38-107, 15-38-108, 15-38-110, 15-38-111, 15-38-112, 15-38-113, 15-38-121, 15-38-125, 15-38-126, 15-38-127, and 15-38-128, MCA.

Committee Hearing:

Senate Taxation

Tabled in Senate committee.

### **SB 358 Daryl Toews**

*Severed Mineral Interest Pays Part of Surface Property Tax--Tax Sale*

An Act relating to the taxation of severed mineral interests; providing that severed mineral interests are subject to 10 percent of the tax of the surface parcel under which they are located; providing that a severed mineral interest is not taxed unless the surface owner notifies the Department of Revenue of the severed mineral interest; providing that only the owner of the surface estate may be the purchaser of the mineral interest if the mineral interest owner defaults on property taxes; and providing an applicability date.

Committee Hearing:

Senate Taxation

Tabled in Senate committee.

**SB 373 John Hertel**

*Allow Deduction for Transportation Costs for Metal Mines Gross Proceeds*

An Act revising the definition of "receipts received" to include transportation costs as a deduction from the gross proceeds tax on metal mines; and providing an immediate effective date and a retroactive applicability date.

Amending section 15-23-801, MCA.

Committee Hearings:

Senate Taxation

Tabled in Senate committee.

**SB 387 Al Bishop**

*Provide Reduced Oil and Natural Gas Tax Rates for Wells Drilled After 1997*

An Act generally revising oil and natural gas production taxes; providing reduced tax rates on oil and natural gas production from certain wells drilled after December 31, 1997; clarifying the distribution of oil and natural gas production taxes; allowing the Department of Revenue to revise, by rule, the distribution of oil and natural gas production taxes under certain conditions; clarifying the tax rate imposed on incremental production from oil wells when the price of oil is equal to or greater than \$30 a barrel; and providing a delayed effective date and an applicability date.

Amending sections 7-1-2111, 7-7-2101, 7-7-2203, 7-14-2524, 7-14-2525, 7-16-2327, 15-1-501, 15-36-303, 15-36-304, 15-36-324, and 82-11-135, MCA.

Committee Hearing:

Senate Taxation

Missed transmittal deadline.

Died in committee.



**SB 397 Lorents Grosfield**

*Revising School Finance Calculation Laws and Mineral Tax Base Sharing Laws*

An Act revising school laws to allow, if approved, the use of anticipated enrollment figures in the calculation of a district's guaranteed tax base ratio when the district is subject to an unusual enrollment increase because of large-scale mineral development or other population infusion; revising the property tax prepayment and property tax base sharing laws to provide tax crediting mechanisms for large-scale mineral developments; and providing an effective date.

Amending sections 20-9-314, 20-9-366, 90-6-309, and 90-6-404, MCA.

Committee Hearing: Senate Taxation

Second Reading Vote: Senate 23-26

**HB 39 Ed Grady**

*Interim Study of Resource Indemnity Trust Tax*

An Act requiring a comprehensive study of the constitutional Resource Indemnity Trust and of the statutory Resource Indemnity and Ground Water Assessment Tax; creating a committee to conduct the study; describing the duties of the committee; requiring the committee to report its findings, conclusions, and options for further consideration to the 56th Legislature; appropriating funds for the activities of the committee; and providing effective dates and a termination date.

Committee Hearing: House Taxation

Tabled in House committee.

**HB 86 Chase Hibbard**

*Generally Revise Gasoline and Special Fuel Tax Laws*

An Act generally revising the gasoline and special fuel tax laws; providing for a refundable credit against a taxpayer's personal or corporate income tax; eliminating the need for special storage facilities for gasoline; simplifying the

application for a refund of the gasoline or special fuel license tax; eliminating the license for selling gasoline or special fuel on which a refund may be obtained; and providing an applicability date.

Amending sections 15-70-201, 15-70-221, 15-70-222, 15-70-223, 15-70-225, 15-70-226, 15-70-301, 15-70-356, 15-70-361, 15-70-362, 15-70-364, 15-70-365, and 75-11-314, MCA; repealing sections 15-70-203 and 15-70-342, MCA.

Committee Hearing:

House Taxation  
Senate Taxation

Second Reading Votes:

House 98-1

Third Reading Votes:

House 96-2

Died in Senate committee.

#### **HB 427 Bob Raney**

##### *Reallocate RIT Fund Interest*

An Act revising the policy purpose of the Montana Resource Indemnity Trust and Ground Water Assessment Act; limiting the uses of the expendable revenue from the Resource Indemnity Trust; eliminating a statutory appropriation of trust fund interest to Montana State University-Northern; limiting the use of the governor's Environmental Contingency Account; eliminating trust fund interest allocations to the Environmental Quality Protection Fund, the Hazardous Waste CERCLA Account, the Water Storage Account, the Renewable Resource Grant and Loan Account and, partially, to the Reclamation and Development Grant Account; and revising the policy purpose of the Reclamation and Development Grant Program.

Amending sections 10-3-1215, 15-38-102, 15-38-103, 15-38-202, 15-38-203, 17-7-502, 75-1-1101, 75-10-621, 75-10-704, 85-1-604, 85-1-615, 85-1-631, 85-5-110, 90-2-1102, 90-2-1103, 90-2-1104, and 90-2-1112, MCA; and providing an effective date.

Committee Hearing:

House Natural Resources

Tabled in House committee.

## **- Allocation of Coal Severance Tax Revenues -**

**Passed \***

### **HB 31 \* George Heavy Runner**

*Extend Renewable Resource Grant Program Eligibility to Tribal Governments*

An Act allowing a federally recognized tribal government to participate in the Renewable Resource Grant and Loan Program; defining "tribal government"; providing additional grant and loan conditions; and providing an effective date.

Amending sections 85-1-102, 85-1-601, 85-1-602, 85-1-605, 85-1-611, and 85-1-613, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 58-41; Senate 28-21
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Third Reading Votes:	House 75-24; Senate 33-17
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Senate amended, House concurred, 74-22.

### **HB 71 \* Doug Mood**

*Increase Emergency Loan Cap from the Renewable Resource Grant and Loan Program*

An Act increasing the emergency loan cap from the Renewable Resource Grant and Loan Program from \$1 million to \$10 million; and providing an immediate effective date.

Amending section 85-1-605, MCA.

Committee Hearings:	House State Administration Senate Natural Resources
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Second Reading Votes:	House 90-10; Senate 48-0
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Third Reading Votes:	House 90-6; Senate 50-0
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## **Failed**

### **SB 88 Tom Beck**

*Transfer Loan Authority for Treasure State Endowment Program to the Governor*

An Act establishing an annual funding cycle for the Treasure State Endowment Program; transferring project approval authority from the legislature to the governor; revising the criteria and priorities for awarding funding; and providing a delayed effective date and a contingent voidness provision.

Amending section 90-6-710, MCA.

Committee Hearings:	Senate State Administration House Business and Labor
Second Reading Votes:	Senate 37-12; House 20-79
Third Reading Vote:	Senate 37-11

### **HB 249 Karl Ohs**

*Constitutional Amendment to Use \$15 a Year of the Coal Tax for Infrastructure/Today and Tomorrow Program*

An Act submitting to the qualified electors of Montana an amendment to Article IX, section 5, of the Montana Constitution allowing the legislature to use \$15 million for infrastructure projects, historic preservation projects, research and development, school construction, and technology acquisition for schools each year from January 1, 1999, through January 1, 2018, of money that would be deposited in the Coal Severance Tax Trust Fund; and providing an effective date and a termination date.

Committee Hearings:	House Business and Labor
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Tabled in House committee.  
Taken from committee and placed on 2nd reading, 62-29.

Second Reading Vote:	House 67-33
Third Reading Vote:	House 61-39

Motion passed in House to reconsider previous action (failed 3rd reading vote) 60-37.

Third Reading Vote: House 64-35

Died in process.

**HB 504 Hal Harper**

*Biomedical Research Grants*

An Act creating a Biomedical Research Endowment Fund within the Coal Severance Tax Trust Fund; funding biomedical research grants from the earnings on the trust fund; statutorily appropriating the earnings; and providing an effective date.

Amending sections 17-5-703, 17-6-305, 17-6-308, and 17-7-502, MCA.

Committee Hearing: House Business and Labor

Tabled in House committee.

Motion failed to take from committee and place on 2nd reading.

**HB 512 Hal Harper**

*Revise Funding of Treasure State Endowment Fund and Fund Research and Development*

An Act revising the use of Coal Severance Tax funds; revising the funding for the Treasure State Endowment Fund by retaining in the Treasure State Endowment Fund additional money that would otherwise be deposited in the Coal Severance Tax permanent fund; authorizing the issuance of revenue bonds to fund projects; encouraging economic development through investments in research and development; appropriating Coal Severance Tax earnings to support research and development centers and to be used as matching funds for research and development projects; authorizing the issuance of revenue bonds for initial funding of research and development projects; allocating Coal Severance Tax funds to the Research and Development Technology Trust Fund that would otherwise be deposited in the Coal Severance Tax Permanent Fund; providing a statutory appropriation; and providing an effective date.

Amending sections 2-15-1818, 2-18-103, 17-5-702, 17-5-703, 17-6-305, 17-6-308, 17-6-503, 17-7-502, 90-3-102, 90-3-519, and 90-8-201, MCA.

Committee Hearing:

House Business and Labor

Tabled in House committee.

Motion failed in House to take from committee and place on 2nd reading, 34-58.

Died in committee.

### **HB 585 Karl Ohs**

#### *Today and Tomorrow Program*

An Act providing for the use of money in the Coal Severance Tax Permanent Fund to stimulate economic prosperity in Montana through community infrastructure development, research and development, public school construction and technology acquisition, and historic preservation; appropriating Coal Severance Tax Funds to the Treasure State Endowment Program; establishing a Research and Development Special Revenue Account and Endowment Fund; establishing a Research and Development Endowment Fund in the Coal Severance Tax Trust Fund; appropriating coal severance taxes for research and development; appropriating coal severance tax funds for school facilities and technology acquisition; creating a Montana Heritage Preservation and Development Commission; authorizing the issuance of coal severance tax bonds to finance historic preservation projects; and providing an effective date.

Amending sections 2-18-103, 17-5-703, 17-5-706, and 17-7-502, MCA.

Committee Hearings:

House Business and Labor

Second Reading Votes:

House 62-38

Third Reading Votes:

House 62-38

Motion passed in House to reconsider previous action (3rd reading vote), 60-37.

Third Reading Vote:

House 64-35

Died in process.

Note: Failed to receive constitutionally required 3/4 majority vote in each House.

## **- Allocation of Other Mineral Tax Revenues -**

**Passed \***

### **SB 7 Mike Foster**

#### *Revise Allocation of Metal Mines Tax*

An Act generally revising the allocation of the Metal Mines License Tax; correcting an over allocation of the Metal Mines License Tax; providing that 15.5 percent of the metal mines tax is distributed in the same manner as the Resource Indemnity and Ground Water Assessment Tax; and providing an effective date.

Amending sections 7-6-2225, 7-6-2226, 15-37-117, 20-9-231, 85-2-905, and 90-2-1104, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 48-0; House 98-1

Third Reading Votes:

Senate 46-0; House 97-2

### **SB 49 \* Delwyn Gage**

#### *Revise Distribution of Oil and Natural Gas Taxes for Deficiency and Credits*

An Act revising the distribution of local government severance taxes and oil and natural gas production taxes for deficiency assessments or for overpayment of the taxes; requiring that deficiency assessments for local government severance taxes be collected in the same manner as oil and natural gas deficiency assessments; requiring that deficiency assessments for certain local government severance taxes be distributed as current revenue; requiring that credits or refunds for the overpayment of oil and natural gas production taxes or local government severance taxes be withheld from current distributions; requiring the Department of Revenue to demand the amount of refund for overpayments from the county to which the tax was originally distributed; and providing an immediate effective date and a retroactive applicability date.

Amending sections 15-36-314 and 15-36-315, MCA.

Committee Hearings:

Senate Local Government  
House Taxation

Second Reading Votes:

Senate 47-0; House 98-2

Third Reading Votes:

Senate 47-1; House 92-8

### **SB 386 \* Delwyn Gage**

#### *Clarify Distribution of Oil and Natural Gas Production Taxes*

An Act clarifying the distribution of oil and natural gas production taxes to conform with the new oil and natural gas tax laws enacted during the 1995 legislative session; allowing the department to revise, by rule, the distribution of oil and natural gas production taxes under certain conditions; clarifying the tax rate imposed on incremental production from post-1985 wells when the price of oil is equal to or greater than \$30 a barrel; providing statutory appropriations; and providing effective dates and a termination date.

Amending sections 7-1-2111, 7-7-2101, 7-7-2203, 7-14-2524, 7-14-2525, 7-16-2327, 15-1-501, 15-36-304, 15-36-324, 15-36-325, 17-7-502, and 82-11-135, MCA.

Committee Hearings:

Senate Taxation  
House Taxation

Second Reading Votes:

Senate 49-0; House 98-2

Third Reading Votes:

Senate 47-0; House 98-1

House amended, Senate concurred, 48-1.

### **HB 31 \* George Heavy Runner**

#### *Extend Renewable Resource Grant Program Eligibility to Tribal Governments*

An Act allowing a federally recognized tribal government to participate in the Renewable Resource Grant and Loan Program; defining "tribal government"; providing additional grant and loan conditions; and providing an effective date.



Amending sections 85-1-102, 85-1-601, 85-1-602, 85-1-605, 85-1-611, and 85-1-613, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 58-41; Senate 28-21
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Third Reading Votes:	House 75-24; Senate 33-17
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Senate amended, House concurred, 74-22.

### **HB 71 \* Doug Mood**

*Increase Emergency Loan Cap from the Renewable Resource Grant and Loan Program*

An Act increasing the emergency loan cap from the Renewable Resource Grant and Loan Program from \$1 million to \$10 million; and providing an immediate effective date.

Amending section 85-1-605, MCA.

Committee Hearings:	House State Administration Senate Natural Resources
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Second Reading Votes:	House 90-10; Senate 48-0
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Third Reading Votes:	House 90-6; House 50-0
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### **HB 171 \* Bob Raney**

*Alleviate Environmental Cash Flow Problems*

An Act generally revising and clarifying the allocation of resource indemnity and ground water assessment taxes; revising the time for allocating certain portions of the resource indemnity trust fund earnings; and providing an effective date.

Amending sections 15-38-201, 15-38-202, 15-38-203, 75-1-1101, 85-1-604, 85-2-905, and 90-2-1104, MCA.

Committee Hearings:	House Taxation Senate Finance and Claims
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Second Reading Votes:  
Third Reading Votes:

House 92-4; Senate 50-0  
House 92-7; Senate 50-0

## **Failed**

### **SB 362 Delwyn Gage**

*Revise Distribution of Oil and Gas Taxes on Production from Post-1985 Wells*

An Act generally revising the distribution of oil and natural gas production taxes on post-1985 wells to counties, school districts, school equalization, and the university system; eliminating the distribution of oil and natural gas production taxes based on mill levies for state, County, and school districts; providing that oil and natural gas production taxes on post-1985 wells be distributed according to specified percentages; and providing an effective date and an applicability date.

Amending section 15-36-324, MCA.

Committee Hearing:

Senate Taxation

Tabled in Senate committee.

### **HB 235 Bob Raney**

*One Million Dollars Annually from RIT Fund to Future Fisheries for Pollution Mitigation*

An Act appropriating \$1 million annually from the interest of the Resource Indemnity Trust Fund to the Future Fisheries Improvement Program to assist in paying the costs of moving or removing sources of pollution from streambanks and lakeshores; and providing an effective date.

Amending sections 15-38-202 and 87-1-272, MCA.

Committee Hearing:

House Appropriations

Tabled in House committee.

**HB 537 Marian Hanson**

*Distribute Oil and Gas Taxes to Municipality Based on Increased Production*

An Act revising the distribution of oil and natural gas production taxes; providing a distribution of oil and natural gas taxes to municipalities within a County as a result of increased production; and providing an effective date and an applicability date.

Amending section 15-36-324, MCA.

Committee Hearing:

House Taxation

Tabled in House committee.

# Water

## - Appropriation and Adjudication -

### Passed \*

#### SB 42 \* Al Bishop

*Allow FWP to Convey Land and Water Interests Through Direct Sales*

An Act allowing the Department of Fish, Wildlife, and Parks, under certain circumstances, to convey department interests in lands and waters through direct sales rather than through a bidding process; and providing an immediate effective date.

Amending section 87-1-209, MCA.

Committee Hearings:

Senate State Administration  
House Fish, Wildlife and  
Parks

Second Reading Votes:

Senate 46-3; House 63-31

Third Reading Votes:

Senate 47-2; House 66-32

#### SB 59 \* Charles Swysgood

*Extend Reserved Water Rights Compact Commission Until the Year 2005*

An Act extending the period for suspension of adjudication proceedings during negotiations of federal Indian and non-Indian reserved water rights; and providing an effective date.

Amending sections 85-2-217 and 85-2-702, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 50-0; House 91-8

Third Reading Votes:

Senate 49-0; House 89-10

## **SB 97 \* Lorents Grosfield**

### *Revise Water Laws*

An Act generally revising the water laws to clarify that the Department of Natural Resources and Conservation may issue water permits and change authorizations prior to the completion of an adjudication in a source of supply; clarifying that water reserved under state law is not synonymous with federal and Indian reserved water rights under federal law; requiring a water judge to give priority over other adjudication issues to issues certified to the district court by the department; allowing the department to negotiate interim agreements with tribal governments; and providing an immediate effective date and a retroactive applicability date.

Amending sections 85-2-101, 85-2-102, 85-2-217, 85-2-228, 85-2-301, 85-2-309, 85-2-311, 85-2-313, 85-2-316, 85-2-321, 85-2-329, 85-2-331, 85-2-336, 85-2-340, 85-2-341, 85-2-342, 85-2-401, and 85-2-402, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 46-1; House 62-38
Third Reading Votes:	Senate 45-0; House 57-41

House amended, Senate concurred, 47-3.

## **SB 108 \* Tom Beck**

### *Revise Water Adjudication Laws*

An Act generally revising water adjudication laws; allowing the Water Court to adjudicate abandonment of water rights; allowing a water judge to consider relevant evidence arising before or after July 1, 1973; providing for the Water Court to enter a temporary preliminary decree for any category of claim that requires adjudication; requiring objections to be filed at the initial decree stage; allowing claimants and objectors to amend their claims or objections; giving claimants an opportunity to file counter objections; encouraging increased use of alternative dispute resolution; clarifying the process for administering water rights pending adjudication; and providing an immediate effective date.

Amending sections 3-7-501, 85-2-227, 85-2-231, 85-2-233, 85-2-404, and 85-2-406, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 48-0; House 91-6  
Third Reading Votes: Senate 46-0; House 90-8

House amended, Senate concurred, 50-0.

Note: SB 108 implemented a series of recommendations made by the Water Adjudication Advisory Committee created during the 1995 Session.

**SB 175 \* Charles Swysgood**

*Ratify State/BLM Reserved Water Rights Compact*

An Act ratifying a reserved water rights compact between the United States Bureau of Land Management and the State of Montana.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 49-0; House 90-7  
Third Reading Votes: Senate 50-0; House 90-9

**SB 273 \* Linda Nelson**

*Subordination of Reservation of Water to Certificate*

An Act allowing for the subordination of a water reservation to a certificate of water right; and providing an immediate effective date.

Amending sections 85-2-316 and 85-2-331, MCA.

Committee Hearings: Senate Natural Resources  
House Natural Resources

Second Reading Votes: Senate 50-0; House 94-6  
Third Reading Votes: Senate 50-0; House 94-5

House amended, Senate concurred, 50-0.

### **SB 337 \* Lorents Grosfield**

#### *Ratify Rocky Boy's Reserved Water Compact*

An Act ratifying a reserved water rights compact among the State of Montana, the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, and the United States of America.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 50-0; House 93-6
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Third Reading Votes:	Senate 50-0; House 91-8
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### **SB 342 \* Vivian Brooke**

#### *Change to Upper Clark Fork Leasing/Change Statutes and Committee Structure*

An Act revising the basin closure, water leasing, and temporary change statutes as they apply to the Upper Clark Fork River basin; altering the composition of the Upper Clark Fork Basin Steering Committee; and providing an immediate effective date.

Amending sections 85-2-337, 85-2-338, and 85-2-402, MCA.

Committee Hearings:	Senate Natural Resources House Natural Resources
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Second Reading Votes:	Senate 50-0; House 83-12
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Third Reading Votes:	Senate 49-1; House 82-18
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House amended, Senate concurred, 48-2.

### **HB 120 \* John Rose**

#### *Muddy Creek Permit Authorization*

An Act providing for an additional exception to the Upper Missouri River Basin closure.

Amending section 85-2-343, MCA.

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 97-0; Senate 49-0

Third Reading Votes: House 95-0; Senate 48-0

Senate amended, House concurred, 97-0.

**HB 283 \* Emily Swanson**

*Ratify U.S. Fish and Wildlife/Montana Reserved Water Rights Compact*

An Act ratifying a reserved water rights compact between the United States Fish and Wildlife Service and the state of Montana.

Committee Hearings: House Natural Resources  
House State Administration  
Senate Natural Resources

Tabled in House State Administration committee.

Second Reading Votes: House 76-20; Senate 49-0

Third Reading Votes: House 80-19; Senate 47-0

**HB 506 \* Robert Story**

*Process to Acknowledge Water Right Transfers in Real Property Transactions*

An Act establishing a process for the acknowledgment of water right transfers in real property transfer transactions; and providing a delayed effective date and an applicability date.

Amending sections 15-7-305, 15-7-308, and 85-2-424.

Committee Hearings: House Natural Resources  
Senate Natural Resources

Second Reading Votes: House 100-0; Senate 45-2

Third Reading Votes: House 99-1; Senate 48-1



**HB 507 \* Robert Story**

*Extending Yellowstone Water Reservations Until They Are Perfected*

An Act to extend water reservations in the Yellowstone Basin until they are perfected; and providing an immediate effective date.

Amending section 85-2-605, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 95-5; Senate 47-0
Third Reading Votes:	House 94-5; Senate 47-2

**Failed**

**SB 363 Lorents Grosfield**

*Emergency Ground Water Use to Benefit Fishery; Changes to Water Leasing*

An Act allowing emergency ground water use to benefit the fishery resource; granting abandonment protection for voluntary nonuse of water; exempting emergency ground water use from the provisions of basin closures; revising the water leasing program; and providing an immediate effective date and a retroactive applicability date.

Amending sections 85-2-102, 85-2-306, 85-2-311, 85-2-319, 85-2-402, 85-2-404, and 85-2-437, MCA, section 11, chapter 658, Laws of 1989, and sections 4 and 7, chapter 740, Laws of 1991.

Committee Hearing:	Senate Natural Resources
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Second Reading Vote:	Senate 19-31
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## **- Development and Irrigation -**

**Passed \***

### **SB 284 \* Mike Halligan**

*Option to Exclude Small Unserved Tracts from Certain Irrigation District Assessments*

An Act allowing individual owners of tracts of land 3 acres or smaller in size located within the boundaries of certain urbanized irrigation districts that are not being served by the irrigation district works to be eliminated from assessments over and above current indebtedness; and providing an effective date and a termination date.

Amending sections 85-7-411 and 85-7-1802, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 43-6; House 92-6

Third Reading Votes:

Senate 46-4; House 93-7

House amended, Senate concurred, 49-1.

### **SB 310 \* Lorents Grosfield**

*Loans for Water Users' Associations*

An Act providing an alternative fair market security assurance for renewable resource loans to water users' associations; increasing the dollar amount for certain loans; authorizing the Department of Natural Resources and Conservation to attach additional property to secure loans; providing that loan funds may not be used for project operation and maintenance; and providing an immediate effective date and applicability dates.

Amending sections 85-1-603, 85-1-613, and 85-1-615, MCA.

Committee Hearings:

Senate Natural Resources  
House Appropriations

Second Reading Votes:

Senate 50-0; House 81-15

Third Reading Votes:

Senate 50-0; House 80-19

House amended, Senate concurred 49-1.

## **Failed**

### **HB 300 Aubyn Curtiss**

#### *Funding for Repairs to Costich Dam*

An Act appropriating money to the Department of Natural Resources and Conservation from the Renewable Resource Grant and Loan State Special Revenue Account for a grant to the Glen Lake Irrigation District for needed repairs to Costich Dam; giving priority to this grant over those in House Bill No. 6; and providing effective dates.

Committee Hearing:

House Appropriations

Tabled in House committee.

Note: This project was funded in HB 8 through a loan from the Renewable Resource Grant and Loan Program.

### **HB 390 John Cobb**

#### *Allow Voluntary Pooling of Irrigation Water Rights in Certain Cases*

An Act allowing voluntary pooling of irrigation water rights between owners of contiguous tracts along a water source if a water commissioner has been appointed; and providing an immediate effective date and a termination date.

Amending section 85-2-404, MCA.

Committee Hearings:

House Agriculture  
Senate Agriculture, Livestock  
and Irrigation

Second Reading Votes:

House 90-3

Third Reading Votes:

House 97-2

Tabled in Senate committee.

## **- Water Quality -**

**Passed \***

### **SB 1 \* Lorents Grosfield**

#### *Clarify Nitrate Water Quality Measurement*

An Act clarifying the term "nitrate" as used in Montana's water quality laws; and providing an immediate effective date and a retroactive applicability date.

Amending section 75-5-301, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 39-9; House 68-31

Third Reading Votes:

Senate 37-12; House 63-37

### **SB 72 \* Ken Mesaros**

#### *Formalize Water Information System as Part of NRIS*

An Act formalizing the operation of the Water Information System within the Natural Resource Information System at the State Library.

Amending sections 85-2-105, 85-2-112, and 90-15-303, MCA.

Committee Hearings:

Senate Natural Resources  
House Natural Resources

Second Reading Votes:

Senate 50-0; House 96-2

Third Reading Votes:

Senate 49-0; House 100-0

**SB 180 \* Steve Doherty**

*Clarify Applicability of Mail Ballot to Certain Elections*

An Act clarifying the applicability of mail ballot elections to certain elections; clarifying the availability of special elections for certain water and sewer projects; and providing an immediate effective date.

Amending sections 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 85-9-206, and 85-9-623, MCA.

Committee Hearings:	Senate Local Government House State Administration
Second Reading Votes:	Senate 48-1; House 88-10
Third Reading Votes:	Senate 46-3; House 87-12

**HB 110 \* Emily Swanson**

*Appropriate Money for Natural Resource Damage Litigation in the Clark Fork Basin*

An Act appropriating money to the Department of Justice for technical, legal, and administrative activities for the State of Montana natural resource damage litigation in the Clark Fork River Basin, extending repayment and providing for interest on previous loans; requiring a contract between the department and the state treasurer in order to effectuate the appropriation; transferring the fund balance in certain federal special revenue accounts to the state special revenue fund; and providing an immediate effective date.

Committee Hearings:	House Appropriations Senate Finance and Claims
Second Reading Votes:	House 78-22; Senate 38-8
Third Reading Votes:	House 71-28; Senate 45-4

## **HB 285 \* Paul Sliter**

### *Revise the Membership of the Flathead Basin Commission*

An Act revising the membership of the Flathead Basin Commission; and adding to the commission one member appointed by the Flathead County Conservation District Board of Supervisors and one member appointed by the Lake County Conservation District Board of Supervisors to replace other members.

Amending section 2-15-213, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 73-27; Senate 48-1
Third Reading Votes:	House 72-28; Senate 39-11

Senate amended, House did not concur, 91-5.

Free conference committee report adopted: House 72-28, Senate 33-17.

## **HB 483 \* Doug Mood**

### *Revise Revolving Funds for Water and Sewer Projects*

An Act generally revising the laws relating to the Safe Drinking Water and Wastewater Treatment Revolving Funds and water system licensing; forming an advisory committee; and providing an immediate effective date and an applicability date.

Amending sections 37-42-102, 75-5-1101, 75-5-1102, 75-5-1103, 75-5-1104, 75-5-1105, 75-5-1106, 75-5-1107, 75-5-1111, 75-5-1112, 75-5-1113, 75-5-1121, 75-6-201, 75-6-202, 75-6-203, 75-6-204, 75-6-205, 75-6-211, 75-6-212, 75-6-221, 75-6-222, 75-6-223, and 75-6-224, MCA; and repealing sections 75-6-213 and 75-6-215, MCA.

Committee Hearings:	House State Administration Senate Natural Resources
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Second Reading Votes:	House 96-3; Senate 50-0
Third Reading Votes:	House 95-5; Senate 49-0

Senate amended, House concurred, 93-7.

## **HB 546 \* Bill Tash**

*Further Directing the Department of Environmental Quality to Monitor and Assess Water Quality and Develop TMDLs*

An Act amending the water quality laws to further direct the Department of Environmental Quality to monitor state waters to assess their quality and to develop total maximum daily loads for those waters identified as threatened or impaired; and providing an immediate effective date.

Amending section 75-5-103, MCA.

Committee Hearings:	House Natural Resources Senate Natural Resources
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Second Reading Votes:	House 97-3; Senate 37-13
Third Reading Votes:	House 96-4; Senate 34-16

Senate amended, House concurred, 91-8.

## **Failed**

## **SB 179 Steve Doherty**

*Clarify Ballots for Water and Sewer Districts*

An Act providing for the use of mail ballots for the purpose of incurring bonded indebtedness for water and sewer districts; and providing an immediate effective date.

Amending section 7-13-2323, MCA.

Committee Hearing:	Senate Local Government
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Tabled in Senate committee.

## **SB 356 Steve Doherty**

*Four Revisions to Water Quality Laws*

An Act expanding the class of persons who may appeal to the board a final department decision regarding nondegradation of water quality; removing

the directive that certain changes in nitrate concentrations be found nonsignificant; converting from discretionary to mandatory the periodic review of authorizations to degrade and allowing subsequent revocation of authorization; and changing the terminology regarding the relationship between placement of wastes and their likelihood to cause pollution of state waters.

Amending sections 75-5-103, 75-5-301, 75-5-303, and 75-5-605, MCA.

Committee Hearing: Senate Natural Resources

Tabled in Senate committee.

### **HB 153 Ed Grady**

#### *Administrative Appeal for Discharge Permits*

An Act to provide an administrative appeal of a decision to grant or deny an application for a permit to discharge to surface water or ground water.

Amending section 75-5-403, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.

### **HB 219 Wes Prouse**

#### *Eliminate Nitrate Testing for Single Family Residence*

An Act eliminating nitrate testing requirements for single-family septic systems.

Amending sections 75-5-103, 75-5-301, 75-5-316, and 75-5-317, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.



**HB 235 Bob Raney**

*One Million Dollars Annually from RIT Fund to Future Fisheries for Pollution Mitigation*

An Act appropriating \$1 million annually from the interest of the Resource Indemnity Trust Fund to the Future Fisheries Improvement Program to assist in paying the costs of moving or removing sources of pollution from streambanks and lakeshores; and providing an effective date.

Amending sections 15-38-202 and 87-1-272, MCA.

Committee Hearing: House Appropriations

Tabled in House committee.

**HB 329 Jon Ellingson**

*Revise Water Quality Permit*

An Act revising water quality permit requirements.

Amending section 75-5-401, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.

**HB 374 Hal Harper**

*Expand Definition of "Interested Person" in Water Quality Law*

An Act expanding the definition of "interested person" as applied to the state's water quality nondegradation policy.

Amending section 75-5-103, MCA.

Committee Hearing: House Natural Resources

Tabled in House committee.

## **HB 420 Douglas Wagner**

### *Revise County Water/Sewer Law - Limit Fee Increase Without Vote*

An Act allowing the prevailing party in a lawsuit involving a county water or sewer district to recover reasonable attorney fees and costs; prohibiting a county water or sewer district from raising rates, charges, or fees more than 10 percent or more than once in a year without a vote of property owners in the district and customers of the district; providing that charges for connecting to a county water system or sewer line may not exceed the actual cost of connecting to the system or line and may not include a pro rata fee based on the initial cost of the sewer or water system; and prohibiting the collection of delinquent water or sewer charges as a tax.

Amending sections 7-13-2217, 7-13-2218, and 7-13-2301, MCA.

Committee Hearing:

House Local Government

Tabled in House committee.

## **HB 452 David Ewer**

### *Requiring the Department of Environmental Quality to Post the Extent of Mixing Zones*

An Act requiring the Department of Environmental Quality to post, within certain waterways, the extent of mixing zones granted for new and renewed discharge permits.

Amending section 75-5-402, MCA.

Committee Hearing:

House Natural Resources

Tabled in House committee.

Motion failed to take from committee and place on 2nd reading, 31-68.

Died in committee.

**HB 474 John Cobb**

*Allow Conservation Districts to Exempt Certain Stream Alterations from 310 Review*

An Act allowing conservation districts to make exemptions by rule to project review under the streambed and land preservation laws.

Amending section 75-7-111, MCA.

Committee Hearing:

House Agriculture

Tabled in House committee.

**HB 562 John Cobb**

*Administrative Penalties for Conservation District Ordinance Violations*

An Act providing conservation districts with administrative penalty authority over a violation of district regulations; and providing an immediate effective date.

Committee Hearing:

House Agriculture

Tabled in House committee.

**HR 2 Hal Harper**

*Urge Consensus Council to Coordinate Streamside Effort*

A Resolution of the House of Representatives of the State of Montana urging property owners, developers, local, state, and federal government representatives, conservation districts, conservation and recreation groups, and affected citizens to work together to identify common goals regarding land development in streamside corridors and urging them to identify strategies to reach these goals; and requesting that these efforts be coordinated by the Montana Consensus Council.

Committee Hearing:

House Agriculture

Tabled in House committee.

# Weed and Pest Control

**Passed \***

**SB 53 \* John Hertel**

*Montana Quarantine and Pest Management Act*

An Act authorizing the Department of Agriculture to establish rules governing quarantines to control injurious plant pests, plants capable of spreading plant pests, noxious weeds, and other exotic plants defined by the department as plant pests; authorizing the adoption of pest management standards and procedures regarding the introduction of these pests and biological control agents; providing for receipt and deposit of funds; and providing a penalty.

Amending sections 80-7-123 and 80-7-135, MCA; and repealing section 80-7-121, MCA.

Committee Hearings:

Senate Agriculture, Livestock  
and Irrigation  
House Agriculture

Second Reading Votes:

Senate 50-0; House 96-1

Third Reading Votes:

Senate 49-0; House 98-2

**HB 361 \* Hal Harper**

*Require Notice of Indoor Pesticide Application in Public Buildings*

An Act requiring notice of the application or use of indoor pesticides to be posted for public buildings.

Amending section 80-8-107, MCA.

Committee Hearings:

House State Administration  
Senate State Administration

Second Reading Votes:

House 68-30; Senate 29-21

Third Reading Votes:

House 64-35; Senate 26-24

Senate amended, House concurred, 69-26.

**HB 489 \* Robert Story**

*Local Government Notification of Pesticide Application*

An Act specifying the provisions for a unit of local government to regulate the notification of pesticide application; and providing an immediate effective date and an applicability date.

Amending section 80-8-120, MCA.

Committee Hearings:	House Agriculture Senate Agriculture, Livestock and Irrigation
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Second Reading Votes:	House 68-29; Senate 35-14
Third Reading Votes:	House 67-33; Senate 38-11

**Failed**

**HB 226 Alvin Ellis**

*Weed Control Plan Required for Off-Highway Vehicle Grants*

An Act requiring that weed control be addressed as an element of the off-highway vehicle trail and national recreation trail grant programs; requiring development by the Department of Fish, Wildlife, and Parks of a weed control plan for off-highway vehicle trails and national recreation trails and coordination of the plan with the Department of Agriculture and county weed boards; providing that grants for off-highway vehicle trails and national recreation trails may not be implemented until the requisite weed control plan is in place; clarifying required components of a weed control plan; and requiring certain record keeping and a report on program progress to the 56th Legislature.

Committee Hearing:	House Agriculture
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Tabled in House committee.

**HB 236 Bob Raney**

*Maintenance Priority for State Parks and Fishing Access Sites*

An Act revising the mission of the Department of Fish, Wildlife, and Parks to clarify that maintenance of present state parks and fishing access sites has priority over improvement and development of those parks and sites; defining "maintenance"; requiring that certain expenditures for improvement and development of state parks and fishing access sites be approved by the legislature; and providing an applicability date.

Amending sections 23-1-110, 23-2-101, 23-2-103, 87-1-209, and 87-1-605, MCA.

Committee Hearing:	House Fish, Wildlife and Parks
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Tabled in House committee.  
Passed from committee as amended.

Second Reading Vote:	House 59-41
Third Reading Vote:	House 39-61

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